

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA, : 08-CR-76

v. : U. S. Courthouse

CHARLES CARNEGLIA, : Brooklyn, New York

Defendant. : January 29, 2009

: 9:30 o'clock a.m.

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TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE JACK B. WEINSTEIN
UNITED STATES DISTRICT JUDGE, and a jury.

APPEARANCES:

For the Government:

BENTON J. CAMPBELL
United States Attorney
By: ROGER BURLINGAME
EVAN NORRIS
MARISA M. SEIFAN
Assistant U. S. Attorneys
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Brooklyn, New York 11201

For the Defendant:

KELLEY J. SHARKEY, ESQ.
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-and-
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Proceedings recorded by mechanical stenography, transcript
produced by CAT.

1 (Trial resumed.)

2 (In open court; jury not present.)

3 THE COURT: Good morning. Sit down, please.

4 We have a note from Juror Four: "A new teacher in my
5 building, that I just met, heard I was on jury duty in
6 Brooklyn and told me his father is probably going to be
7 testifying on this case. He's a detective. And I do not know
8 his father and I just met this new teacher."

9 What do you want to do, counsel for defendant?

10 MR. FARBER: May we confer a moment, your Honor?

11 THE COURT: Yes.

12 The government, confer, please.

13 (Pause.)

14 MR. FARBER: Judge, while we're getting our jury
15 list, could I ask for a small administrative matter?

16 THE COURT: Yes. Go ahead.

17 MR. FARBER: I would just like to request the
18 transcript on a daily basis received at night.

19 THE COURT: Yes, transcript on a daily basis.

20 MR. BURLINGAME: Judge, we have a couple of issues,
21 as well.

22 THE COURT: Sit down. Talk into the microphone.

23 MR. BURLINGAME: Judge, I just wanted to move to
24 designate a few of the agents and paralegals who worked on the
25 case as party representatives, so it's okay for them to attend

1 trial .

2 THE COURT: Give me the names.

3 MR. BURLINGAME: Paul Tambri no, John Janus and
4 Samantha Ward.

5 There's one other detective would worked on the
6 case, Steven Kaplan, who was the detective who testified at
7 the suppression hearing as to the notes, he did take
8 Mr. Carneglia's post-arrest statements, so we do anticipate
9 he'll testify at the end of the trial as to his post-Miranda
10 statements. We would ask that he be designated as a party
11 representative, as well .

12 THE COURT: So ordered.

13 MR. BURLINGAME: And we would also -- one of the
14 witnesses we anticipate will take the stand today can testify
15 regarding the defendant's arrest in 2000 for an extortion
16 case. We anticipate that one of the -- the key to the
17 defendant's withdrawal defense is going to be around that time
18 he withdrew from the family while he was in jail. He
19 renounced his family membership. And this cooperating witness
20 didn't become a cooperating witness until years later. He can
21 testify he would have known had the defendant been shelved or
22 had he tried to withdraw from the family in any way.

23 So, I would like to inquire as to whether the
24 defense is planning on pressing that defense, so I can know
25 whether or not it's okay to go into the defendant's arrest

1 with this witness.

2 MS. SHARKEY: You know, I missed part of that.
3 Forgive me. I was checking the juror list.

4 THE COURT: Are you going to press the defense that
5 the defendant withdrew from the conspiracy, if he was in it,
6 or from the mob, early enough so that the statute of
7 limitations applies?

8 MS. SHARKEY: Well, as the Court knows, there is a
9 statute of limitations defense in this case. At this point,
10 prior to opening statements, I think it's inappropriate that
11 the government be afforded the opportunity to cross-examine a
12 witness that's readily available to them on any --

13 THE COURT: Cross-examine?

14 MS. SHARKEY: -- examine a witness that's readily
15 available to them at any time concerning Mr. Carneglia's
16 incarceration.

17 At this point, Judge, certainly it's our intention
18 to argue statute of limitations. However, I don't think they
19 should be allowed to do it.

20 THE COURT: Enough. Enough.

21 MS. SHARKEY: Very good.

22 THE COURT: Why can't you put the witness on later?

23 MR. BURLINGAME: He is the main witness we're
24 calling today. He's prepared and ready to go. There's four
25 questions on it. If your Honor doesn't want us to inquire, we

1 can bring him back.

2 Defense has made -- it's come up repeatedly that the
3 key to this withdrawal defense is going to be that following
4 this arrest, he withdrew from the Gambino Family. So, I think
5 it's disingenuous to suggest that --

6 THE COURT: Whether disingenuous or not, keep this
7 issue out, and we'll just recall him on that point.

8 MR. BURLINGAME: Okay. It's four questions. It
9 seems like quite an effort, but that's what we'll do.

10 THE COURT: Now, what do you want to do about Juror
11 Four?

12 MS. SHARKEY: I think we should leave her.

13 THE COURT: That's my impression. I see no reason
14 to excuse Juror Four.

15 MR. BURLINGAME: We have no objection, your Honor.

16 THE COURT: Bring in the jury, please.

17 Mark the note as Court Exhibit 1, please.

18 Mark the government's list of witnesses, please, and
19 list of exhibits as Court Exhibits 2 and 3.

20 Will I get your exhibits and witnesses for the
21 defendant?

22 MS. SHARKEY: Yes, you will. We don't have them at
23 this point.

24 THE COURT: Try to get them.

25 (Pause.)

1 THE COURT: I needn't, I think, caution this
2 audience to make no indication, by expression orally or
3 facially, of any reaction to the witnesses.

4 (Jury present.)

5 THE COURT: Everybody sit down, please.

6 Good morning, ladies and gentlemen.

7 THE JURY: Good morning.

8 THE COURT: I'm delighted that you were all able to
9 get in today. I know some of the roads were very difficult.

10 Since I know some of you have to get up very, very
11 early to get here, we're going to try, in addition to giving
12 you coffee or tea when you come in, have something more solid
13 for you as well as your lunch.

14 So, we'll be able to proceed.

15 Swear the jury, please.

16 (A jury of twelve and six alternates were duly
17 impaneled and sworn.)

18 THE COURT: I want to instruct you again, do not
19 read anything about this case. I would not read any papers if
20 I were on the case, or listen to any news programs if I were
21 on the case, and don't discuss it with anybody.

22 Somebody comes up to you and says, I know somebody
23 who is involved in the case, or, I hear you're on this case or
24 that case, just say, I can't discuss it. Brush them off. You
25 may think it's impolite, but it's absolutely essential that

1 you decide only on the basis of what you hear and what the
2 Court tells you.

3 Do you all understand that? That's very important.

4 Now, we're going to have the openings.

5 The government will open first, because it has the
6 burden of persuasion, and it will sum up last for the same
7 reason.

8 What the lawyers say is not evidence, but it's a
9 statement as they presently see it of the way they think the
10 evidence will proceed to be introduced.

11 Proceed, please.

12 MS. SEIFAN: Albert Gelb was a court officer. He
13 worked in Brooklyn night court, just down the street from
14 here. On March 11, 1976, Gelb left work and drove home. He
15 never made it. The evidence will show that man, the
16 defendant, Charles Carneglia, gunned Gelb down in his car.
17 Gelb was shot seven times in the chest, in his face, and in
18 his arm.

19 The defendant murdered Gelb just four days before
20 Gelb was scheduled to take the stand and testify against the
21 defendant. The defendant chose murder as the way to silence
22 Gelb and to punish Gelb for daring to stand up against the
23 defendant, a mobster.

24 You will learn that the defendant bragged about
25 murdering Court Officer Gelb to his Mafia friends. To the

1 defendant, killing a court officer was a badge of honor.

2 Ladies and gentlemen, the tragic murder of Court
3 Officer Gelb is just one of the many crimes you will learn
4 this defendant committed as part of the Gambino Organized
5 Crime Family, the Mafia, the mob, and it is only one Mafia
6 murder among many this defendant perpetrated.

7 The defendant didn't just kill one person or two
8 people or three people or four people. Ladies and gentlemen,
9 the defendant Charles Carneglia killed five people.

10 The defendant's next victim was Michael Cotillo.
11 The defendant stabbed Cotillo in the heart outside a diner in
12 Queens.

13 After that was Salvatore Puma. He was just eighteen
14 years old when the defendant plunged a knife straight through
15 his heart on a Queens street corner.

16 Louis Di Bono, he's also dead. The defendant snuck
17 up behind Di Bono in the parking garage of the World Trade
18 Center and shot him seven times, four times in the head. Why?
19 The defendant murdered Di Bono on order from John Gotti. John
20 Gotti, the boss of the Gambino Family, ordered the defendant
21 to kill Di Bono, because Di Bono refused to meet with Gotti.

22 That mistake, disrespecting John Gotti, got Di Bono a
23 death sentence. The defendant was his executioner.

24 Two months later, the defendant struck again. He
25 killed another man because he got in the way of another one of

1 the defendant's mob crimes. Jose Delgado-Rivera was an
2 armored-car driver. The defendant shot him at point-blank
3 range. Why? Because the defendant and other mobsters were
4 trying to rob his armored car. Delgado-Rivera had the
5 audacity to fight back, and he died for it. The defendant
6 shot him with a pistol while another mobster pumped a shotgun
7 blast into Delgado-Rivera's back.

8 Good morning, ladies and gentlemen, my name is
9 Marisa Sei fan, and I'm an Assistant United States Attorney
10 here in the Eastern District of New York.

11 I just want to take a moment to introduce the other
12 people who will be sitting me plea at counsel table. Roger
13 Burlingame and Evan Norris, Assistant United States Attorneys.
14 Seated next to them is Special Agent John Janus of the FBI,
15 and Shernita Moore, a paralegal in our office. Together, we
16 represent the United States of America in this case.

17 You will learn during this trial that the defendant
18 was a member of an extremely violent gang called the Gambino
19 Organized Crime Family. The Gambino Organized Crime Family is
20 a violent criminal enterprise that exists to make money
21 through crime, using violence and murder to get what it wants
22 and keep what it has. It is a crime family.

23 Now, this crime family has a structure. At the top
24 sits the boss, and he's assisted by an underboss and a
25 consigliere. These three positions, the boss, the underboss

1 and the consigliere, make up what's called the administration.

2 And under the administration are the captains. Now,
3 the captains have crews of soldiers and associates. Soldiers
4 are formal members. In mob lingo, they are made men,
5 goodfellas, wise guys. Below the soldiers are associates.
6 Associates are criminals who, as the name suggests, are
7 associated with the family but are not made members.

8 The evidence will show that the defendant Charles
9 Carneglia was first an associate and later became a soldier or
10 made member of the Gambino Organized Crime Family. When he
11 became a soldier, the defendant pledged his never-ending
12 allegiance to the Gambino Crime Family. In a secret ceremony,
13 he took an oath of absolute loyalty, a blood oath, and as part
14 of that oath, he made many promises:

15 He promised to put the Gambino Family ahead of his
16 real family, he promised never to tell Gambino Family secrets
17 to outsiders, and he promised to kill when killing was called
18 for.

19 Through the Gambino Crime Family, the defendant
20 committed many, many crimes. He's charged here with six
21 counts.

22 Count One charges the defendant with racketeering
23 conspiracy. The evidence will show that from the mid-'70s
24 through the day he was arrested, the defendant agreed to
25 participate in the Gambino Organized Crime Family by

1 committing many different crimes: Armed robbery, kidnapping,
2 drug dealing, extortion, fraud, and, of course, murder. And
3 not just one murder, five.

4 The remaining five counts charge the defendant with
5 various types of extortion. During this trial, you're going
6 to hear a lot about extortion. You will hear how the
7 defendant used his position in the Gambino Crime Family to get
8 money from other people, money that wasn't his, money that he
9 didn't earn, money that he didn't deserve, but money which he
10 got simply because people were afraid of what would happen if
11 they didn't pay.

12 The government will establish the defendant's guilt
13 of these crimes beyond a reasonable doubt through many
14 different kinds of evidence. First, we're going to pull back
15 the curtain of Mafia secrecy and take you inside the world of
16 the mob. You will hear from men who were part of the Gambino
17 Crime Family. A former captain and several long-time
18 associates will testify. These men are life-long criminals.
19 You will hear from them because they know the defendant, and
20 they lived the Mafia life with him, day in and day out. Some
21 have known him for over three decades.

22 They will take the witness stand right over there
23 and they will tell you all about the murders and other crimes
24 they have committed, many right alongside the defendant.

25 These cooperating witnesses have pled guilty to

1 committing crimes, and have agreed to share the secrets of the
2 family.

3 Ladies and gentlemen, make no mistake, these
4 witnesses are not going to be testifying out of some sense of
5 civic duty. They have chosen to testify because they hope to
6 do less time in jail.

7 Defense counsel will no doubt attack these men for
8 their criminal acts. But remember, the government did not
9 choose these men to be the defendant's partners in crime. He
10 did.

11 In addition to hearing from mobsters, you will hear
12 from many other kinds of witnesses. You'll hear from civilian
13 witnesses like Albert Gelb's good friend, who discovered his
14 dead body after the defendant killed him. You'll hear from
15 law enforcement witnesses such as the police officers who
16 responded to the scenes of the defendant's brutal attacks.
17 One police officer will tell you how they tried to breathe
18 life back into one of the defendant's many victims,
19 armored-car driver Jose Delgado-Rivera, as blood poured from
20 his bullet-ridden body.

21 You'll hear from a medical examiner, who will
22 describe the autopsies of the murder victims and will tell you
23 how they died. We will also show you a wide variety of
24 physical evidence. You'll see many photographs of the
25 defendant meeting with Gambino members and associates through

1 the years, and we'll play for you secretly-recorded
2 conversations of the defendant and other mobsters.

3 And ladies and gentlemen, that is just some of the
4 evidence we will present to you during this trial, evidence
5 that will trace the defendant's involvement in the Gambino
6 Organized Crime Family for over thirty years, from the night
7 the defendant brutally murdered Court Officer Gelb in 1976 up
8 to the present day, evidence that will establish the defendant
9 is guilty of each of the charged crimes.

10 THE COURT: Thank you.

11 MS. SHARKEY: May I?

12 THE COURT: Yes, you may.

13 MS. SHARKEY: Good morning.

14 Let me start off by thanking each and every one of
15 you for consenting to sit as jurors in this case. My name is
16 Kelley Sharkey, this is Curtis Farber, and we have been
17 assigned by the Court to represent Charles Carneglia against
18 these charges.

19 The prosecution has just finished telling you that
20 they intend to prove that over the course of thirty-two years,
21 1976 to February of 2008, that Charles Carneglia planned,
22 participated and personally committed five killings in aid of
23 racketeering.

24 They contend now -- and the indictment was voted in
25 2008 -- now that over the course of that thirty-two years,

1 Charles Carneglia committed extortion of organized-crime
2 figures and others, murders, kidnappings, securities fraud,
3 and all of these crimes were committed in aid of racketeering.

4 Now, these charged crimes represent an extraordinary
5 arc of criminal activity spanning the decades, and they are
6 sensational enough in their own right to cause you to question
7 yourselves, Well, why is Charles Carneglia being prosecuted
8 now, some thirty-odd years later, for some of these crimes?
9 And I'll tell you.

10 There is a line outside of that door, of men who
11 don't want to die in jail. A number of these men are coming
12 into this courtroom -- and you'll see some of them today --
13 who don't want to spend the rest of their lives in prison for
14 the criminal acts for which they have been caught or pled
15 guilty, and they will do anything to get out from under and
16 shift the blame to an easy target, Charles Carneglia.

17 Now, let me be the first to say that in his younger
18 days, Charles Carneglia was no choir boy, and it is safe to
19 say that neither were his friends.

20 But in a court of law, in our country, under the
21 rules of our land, an individual is not judged by the company
22 he keeps, but when he is charged with an indictment and has
23 entered a plea of not guilty, he is judged by the evidence
24 presented. Charles Carneglia categorically, categorically,
25 denies the charges levied against him. Of the sixty-two

1 individuals who were indicted in this case, Charles Carneglia
2 stands alone on trial. The witnesses that the prosecution
3 will bring into this court are thieves, they are murderers and
4 they are liars. They have every incentive to testify against
5 Mr. Carneglia, and they possess no gatekeeper to make sure
6 that their testimony is credible and truthful.

7 Now, you will hear from each of these individuals as
8 the weeks go by, but for now, let me tell you about one, one
9 that is scheduled to testify this afternoon. His name is
10 Michael DiLeonardo, otherwise known as Mikey Scars.

11 Now, I can tell you that Mikey Scars can best be
12 described as the dean of the college of cooperating witnesses.
13 You will learn that he is responsible for three murder,
14 countless beatdowns, decades of extortions and decades of
15 shlocki ng.

16 You know what? He has spent very little time in
17 jail, and he has spent very little time in jail for these acts
18 because he thrives because he testifies. When the government
19 crooks their finger, Mr. DiLeonardo comes running and
20 testifies, and that is what keeps Mr. DiLeonardo alive and
21 well and a member of our community.

22 Other cooperators that are slated to testify in this
23 case are what you can say newly-minted. They look to achieve
24 the level of Mr. DiLeonardo's career as a cooperating witness.
25 They are cold, calculating liars, and they are counting on the

1 government to overlook their lives of crime in exchange for
2 their testimony.

3 Each of these cooperating witnesses possesses what's
4 called a cooperation agreement, and you'll hear about this
5 during the course of the testimony. I suggest a better term
6 for it is a get-out-of-jail-free card, because in exchange for
7 their testimony, each of these witnesses, if they aren't on
8 bail now, expect to be so in short order.

9 Now, to be candid, you were selected as jurors in
10 this case not only because you're fair, but because you're
11 smart. Numerous citizens came into this courtroom, and out of
12 200 individuals, you were selected as jurors because the
13 defense believes that you will not be overwhelmed by the
14 number of charges, but will in fact base your verdict on the
15 evidence presented, and understand the legal principles as his
16 Honor will explain them to you.

17 As the Court will explain to you, your job as a
18 juror is clearly defined. You determine whether or not the
19 prosecution has proven to you the charges beyond a reasonable
20 doubt by good and credible evidence.

21 Moreover, it will be for you to determine, as the
22 Judge so instructs, whether or not in fact the charged crimes
23 were related to the goal of an enterprise.

24 Now, you already know that this case was brought as
25 a RICO prosecution. His Honor mentioned that earlier. It was

1 in the questionnaire. I tell you, the evidence in this case
2 is weak, it is dated, and it is not reliable.

3 And there is an issue that you will hear about
4 during the course of this trial, and that is the statute of
5 limitations.

6 Now, while there is no statute of limitations on
7 murder, the timeliness of a crime, the timeliness of a
8 prosecution, becomes an issue when the charges are brought as
9 a racketeering conspiracy, and it is a racketeering conspiracy
10 with which Mr. Carneglia is charged.

11 Those of us who are safely north of our youth, who
12 have safely passed beyond youth, know that time changes
13 people. What was once important, what was once all to us in
14 our younger days, can change. Change does and can occur. It
15 did for Mr. Carneglia, and because of that change, many of
16 these false charges, decades old and unsupported by credible
17 witnesses, would be barred by the statute of limitations. But
18 included in this indictment, and I suggest cynically so, are a
19 few charges that are included and designed to convince you
20 that Charles Carneglia participated in this enterprise through
21 February 2008. And I tell you now and I tell you clearly,
22 those charges as applied to Mr. Carneglia are nonsense, and
23 you will learn that through the cross-examination of the
24 witnesses.

25 I ask only one thing. I ask this on behalf of

1 myself, on behalf of Mr. Farber, and on behalf of Charles
2 Carneglia: Fulfill your role as a juror in this case.
3 Divorce yours from the sensationalism that is designed to
4 distract you from your role as jurors.

5 I submit that when the smoke clears and you look at
6 the witnesses and the evidence that the government presents in
7 support of the sensational indictment, you will agree with me,
8 and you will return a verdict of not guilty.

9 Thank you. Again, thank you for sitting as jurors
10 in this matter.

11 THE COURT: Thank you.

12 Ladies and gentlemen, defense counsel indicated that
13 of sixty-two defendants charged only one is on trial, this
14 defendant. Do not speculate on why the others are not on
15 trial with this defendant. Concentrate only on this
16 defendant, who is on trial.

17 Is that clear to you?

18 All right. Call your first witness.

19 MR. BURLINGAME: The government calls John Carillo.

20 J O H N C A R I L L O,

21 having been duly sworn, was examined and

22 testified as follows:

23 THE LAW CLERK: State your name and spell it.

24 THE WITNESS: John Carillo, C A R I L L O.

25 MR. BURLINGAME: I may inquire?

1 THE COURT: You may.

2 DIRECT EXAMINATION

3 BY MR. BURLINGAME:

4 Q Good morning.

5 A Good morning.

6 Q Investigator Carillo, how long have you been in law
7 enforcement?

8 A Approximately twenty-five years.

9 Q What is your current position in law enforcement?

10 A I'm an investigator for the U.S. Attorney's Office in the
11 Southern District of New York.

12 Q Where is the Southern District of New York?

13 A Lower Manhattan.

14 Q Is the Southern District of New York the district we're
15 in now?

16 A No.

17 Q Where are we now?

18 A Eastern District.

19 Q What are your basic responsibilities as an investigator
20 in the Southern District?

21 A My assignment is to conduct criminal investigations on
22 organized-crime members and associates, more particularly in
23 the New York area, and part of my responsibility is also to
24 gather and maintain information on those organized-crime
25 members and associates.

1 Q When you say "organized crime," is that the Mafia?

2 A Yes.

3 Q What is Cosa Nostra?

4 A Cosa Nostra is another term for Mafia. It's a criminal
5 organization.

6 Q How long have you been investigating the Mafia?

7 A Approximately seventeen years.

8 Q Can you describe to the jury the different positions
9 you've had investigating Cosa Nostra?

10 A Yes.

11 I went -- came into the New York City Police
12 Department in 1984. I was a police officer on patrol.

13 In approximately 1992, I got my first investigative
14 assignment. I was assigned to the Queens Public Morals
15 Division. At that assignment, it was my responsibility to
16 conduct criminal investigations into organized-crime members
17 and associates, more particularly Queens County, as it
18 pertains to the crimes of loansharking and gambling.

19 Q What is a loan-shark?

20 A It's a street loan put out on the street by an
21 organized-crime member at high interest rates that have to be
22 repaid on a weekly basis.

23 Q How long were you at the Queens Public Morals Division?

24 A From 1992 to 1995. In 1995, I was transferred to the
25 Queens County District Attorney's Office, Detective Squad. It

1 is a group of detectives assigned to the District Attorney.
2 Again, my responsibilities there were to conduct criminal
3 investigations on organized-crime members and associates.

4 Q How long did you do that job?

5 A Until 1998.

6 Q What did you do then?

7 A From 1998 until my retirement from the New York Police
8 Department in 2004, I was assigned to the Organized Crime
9 Investigation Division, more particularly the Investigative
10 and Analysis Section.

11 Q So, from 1992 to 2004, you had three different
12 assignments to investigate organized-crime members and
13 associates --

14 A That's correct.

15 Q -- while you were a member of the NYPD?

16 A Yes.

17 Q What was your rank during that time at the NYPD?

18 A Detective investigator.

19 Q After you held these positions with NYPD, did you hold
20 other positions where you investigated the Mafia?

21 A Yes. Upon retirement, I was hired by the Nassau County
22 District Attorney's Office again to conduct criminal
23 investigations into the same organizations.

24 Q How long did you do that job?

25 A Just prior, when I was hired at the U.S. Attorney's

1 Office, 2006. Until 2006.

2 Q In your career investigating the Mafia, have you
3 participated in the investigation of members and associates?

4 A Yes.

5 Q Approximately how many?

6 A Several hundred investigations.

7 Q Have you participated in the arrests of the Mafia members
8 and associates?

9 A Yes.

10 Q How many arrests?

11 A Several hundred.

12 Q Have you participated in searches of locations associated
13 with the Mafia?

14 A Yes.

15 Q Approximately how many locations?

16 A Again, several hundred.

17 Q Before conducting a search, do you need permission from a
18 judge?

19 A Yes.

20 Q Have you participated in eavesdropping on Mafia locations
21 by placing wiretaps on telephones or using hidden recording
22 devices, also known as bugs?

23 A Yes.

24 Q How many times have you done that?

25 A Several hundred investigations that I have been involved

1 with used eavesdropping devices.

2 Q Can you briefly describe for the jury what's involved in
3 eavesdropping on a Mafia phone or Mafia location?

4 A Yes, we have to put an application in to the Court. If
5 they grant us permission to listen to a particular instrument,
6 whether it be a cellular phone, a hard phone or a bug that we
7 place inside a location, there's certain criteria for what we
8 can do and what we can listen to. It's designated by the
9 Court. If our application is to listen to particular people,
10 those are the only people we are allowed to listen to. If the
11 Court mandates that we listen to certain crimes, we have to
12 limit what we listen to to those designated crimes.

13 Q Are steps taken to monitor and record what's being
14 tapped?

15 A Yes.

16 Q Can you describe those steps?

17 A Yes. If you're monitoring an instrument, if it's a
18 pertinent conversation, you would make notes on a line sheet
19 for later review.

20 If that conversation goes on to something that's not
21 pertinent, if they start discussing personal business or
22 something like that, we're mandated by the Court to what they
23 call minimize. You have to shut the machine off for a period
24 of time. You are allowed to monitor it, go back up to see if
25 they started discussing criminal activity again.

1 Q In addition to the line sheets, are the conversations
2 that are being eavesdropped recorded?

3 A Yes.

4 Q Are the investigations that you have been involved in --
5 in the investigation you've been involved in, what are some of
6 the locations where bugs have been placed?

7 A Inside social clubs, inside any public place where
8 organized-crime members meet. They have been in vehicles. At
9 times, they have been in people's apartments or homes.

10 Q Are there any problems with using bugs?

11 A Sometimes, yes, sir.

12 Q What sorts of problems do you encounter?

13 A Well, in a public location, if a number of people are
14 speaking at the same time, it's very hard to understand what
15 they are saying. It's very hard to record a coherent
16 conversation.

17 In a vehicle or at home with the TV's on, things of
18 that nature, it can stand in the way of a complete
19 conversation being recorded.

20 Q What about when you're tapping a telephone? Is there any
21 limitation or difficulty with understanding that information?

22 A It's been my experience, monitoring numerous
23 organized-crime members and associates, that they speak very
24 cryptically and they won't discuss particular crimes outright
25 on the telephone. It's less frequent that you'll hear those

1 conversations on the phone than you would a bug.

2 Q When you say "cryptically," what do you mean?

3 A They'll use words -- instead of discussing a particular
4 crime, they'll have codes or cryptic language amongst
5 themselves to represent what they mean.

6 Q Have you conducted physical surveillance of people in the
7 Mafia?

8 A Yes.

9 Q What does that typically entail?

10 A Physical surveillance is when I go out to a particular
11 location, usually, I'll have camera equipment or video
12 equipment, sometimes binoculars. I'm there to look at a
13 particular location to see if particular people meet, and I
14 document what I see, and if I'm able to, I take either still
15 photos or videos of the observations.

16 Q Where are you typically when you are making these
17 observations?

18 A Wherever organized-crime members or associates would
19 congregate. Generally speaking, social clubs, sometimes bars,
20 restaurants where they meet. I've done many surveillances at
21 wakes and social affairs, where organized-crime members are
22 known to gather.

23 Q Do you stand on the street or where are you when you're
24 making the observations?

25 A Usually, in a vehicle or another observation point with

1 the equipment I just mentioned.

2 Q What's the purpose of conducting surveillances?

3 A Well, it's done for various reasons. One is to document
4 associations between organized-crime members. It's very
5 important, when investigating organized crime, to document
6 their associations.

7 Another thing, another reason to conduct the
8 surveillance is to identify new associates or members of
9 organized crime, and sometimes you do it pursuant to an
10 eavesdropping conversation. You'll be on a wiretap, and
11 you'll hear that two people are meeting at a particular place.
12 It's to corroborate what you hear on the wiretap to do the
13 surveillance.

14 Q You said it's important to document associations. Why is
15 that?

16 A In organized crime, there's hierarchy and associations
17 and criteria for being associated with certain members. So,
18 it's very important for us to document it, to see who is
19 associated with who in criminal activity.

20 Q Now, you testified you use cameras and video cameras when
21 you are conducting surveillances. Are you able to also use a
22 camera or video camera?

23 A No.

24 Q Why not?

25 A It's all according to the type of surveillance and where

1 it is. There's always physical conditions, lighting, weather.
2 Some surveillances, such as wakes and christenings and
3 weddings, family gatherings where a lot of organized-crime
4 members frequent, we don't care so much if we are seen. There
5 are more covert surveillances, we prefer that the organized
6 crime member or associate doesn't identify us as being there.
7 Sometimes the camera equipment is big and you can't conceal
8 that.

9 Q To conduct the type of surveillances you're talking about
10 on the street, do you need a court order?

11 A Yes.

12 Q Over the course of your career, how many physical
13 surveillances have you conducted in organized-crime cases?

14 A Well over a thousand.

15 Q When you conduct surveillances, do you typically go
16 alone?

17 A Sometimes alone, sometimes with a team.

18 Q Have you used human sources in your investigation?

19 A Yes.

20 Q And what are the different kinds of human sources?

21 A I've been involved with the debriefing and the
22 interviewing of numerous cooperating witnesses and
23 confidential informants.

24 Q What's a confidential informant?

25 A A confidential informant is somebody that comes to an

1 agreement with law enforcement to supply information on
2 criminal activity, and in the case of the investigations, I've
3 been involved with organized-crime members. They stay
4 anonymous. They are out in the street. They supply the
5 information. Sometimes it's for monetary compensation,
6 sometimes it's done because they have a court case that's
7 pending, and sometimes it's a regular citizen that just wants
8 to cooperate with the police or law enforcement.

9 Q Are confidential informants involved in criminal
10 activity?

11 A Sometimes. Sometimes not.

12 Q And for those ones that are, are there procedures taken
13 for dealing with them?

14 A Yes.

15 Q Have you debriefed confidential informants in
16 organized-crime cases?

17 A Yes.

18 Q What does that mean, to debrief somebody?

19 A To interview them.

20 Q How many debriefings have you been involved in?

21 A In several hundred.

22 Q When you receive information from confidential
23 informants, do you rely on that information exclusively in
24 your investigation?

25 A No.

1 Q What steps do you take?

2 A You attempt to corroborate, either through other
3 confidential informants, other cooperating witnesses. You
4 review reports, eavesdropping reports. You confer with other
5 law enforcement agencies. Anything you can do to firm up or
6 corroborate what the informant has told you.

7 Q Now, you also mentioned cooperating witnesses. What's a
8 cooperating witness?

9 A A cooperating witness is somebody that comes, again, into
10 an agreement with law enforcement to supply information on
11 organized-crime members or associates. But usually, they are
12 already incarcerated or arrested, and they have come into an
13 agreement to testify in open court against the organized crime
14 member or associate.

15 Q What's their motivation, typically?

16 A Sometimes there will be -- they want a consideration for
17 a case that they have pending, to get a reduced sentence.

18 Q So, what's the difference between confidential informants
19 and cooperating witnesses?

20 A A confidential informant is somebody out on the street
21 that continues to give information. They are anonymous.
22 Nobody knows their identity but a few law enforcement people.

23 And cooperating witnesses is somebody that will
24 testify in open court that have come into an agreement with
25 the government.

1 Q You said they have come into an agreement. Can you
2 explain that?

3 A Well, usually, it's a process, when you have a
4 cooperating witness, there's usually a series of proffers
5 where they meet, where they are represented by an attorney,
6 and they are told at the beginning of these proffers that they
7 have to tell the truth 100 percent. If they are found in any
8 kind of lie or something that is a half-truth, then the
9 agreement that they come into is negated and they can be
10 prosecuted.

11 Q Have you debriefed cooperating witnesses?

12 A Yes.

13 Q How many?

14 A Well over fifty.

15 Q Do you rely exclusively on information obtained from
16 cooperating witnesses when you conduct your investigations?

17 A No. Again, we try to corroborate everything that they
18 tell us.

19 Q During the debriefings, do you debrief cooperating
20 witnesses? You just explained that you did. Sorry.

21 A Yes.

22 Q During those interviews, is information provided to the
23 cooperating witnesses?

24 A No.

25 Q Are you familiar with the existence of different

1 organized-crime families with Cosa Nostra?

2 A Yes.

3 Q Do organized-crime families have a particular structure?

4 A Yes.

5 Q Are you familiar with the structure, based on your
6 investigations?

7 A Yes.

8 Q Have you learned that organized-crime families have
9 rules?

10 A Yes.

11 Q Are you familiar with those rules, based on your
12 investigations?

13 A Yes.

14 Q Have you learned that members and associates of organized
15 crime use certain terms amongst themselves?

16 A Yes.

17 Q Are you familiar with those terms?

18 A Yes.

19 Q Have you become familiar with the different crimes that
20 organized-crime families commit and how they go about
21 committing those crimes?

22 A Yes.

23 Q In your twenty-five years in law enforcement, what are
24 some of the Cosa Nostra crimes you have investigated?

25 A I have been involved in investigations that include

1 murder, loansharking, gambling, auto crimes, narcotics
2 trafficking, money laundering, stolen property and many
3 others. But that's some of them.

4 Q Have you previously testified in court in this capacity
5 about Cosa Nostra?

6 A Yes.

7 Q Approximately how many times?

8 A Over thirty times.

9 Q How many times have you testified in federal court about
10 Cosa Nostra?

11 A This is the eighteenth time.

12 Q Without saying the case, what was the last time you
13 testified in this capacity?

14 A December of 2008.

15 Q Where did you testify?

16 A In the Eastern District.

17 Q Have you formed an opinion about the history of the Mafia
18 in the United States, including where it came from?

19 A Yes.

20 Q Have you formed an opinion about how the Mafia organize
21 themselves?

22 A Yes.

23 Q Have you formed an opinion about how the Mafia operates?

24 A Yes.

25 Q What does Cosa Nostra mean in Italian?

1 A The translation into English means "This thing of ours"
2 or "Our thing."

3 Q In the United States, is Cosa Nostra sometimes referred
4 to by other names?

5 A Yes.

6 Q What are they?

7 A You'll hear words like the Mafia, the syndicate, the mob.
8 In Chicago, they call it the outfit.

9 Q Where did the Mafia come from?

10 A From Sicily in Italy.

11 Q At some point, did law enforcement begin identifying
12 different Mafia families by names?

13 A Yes.

14 Q When did that take place?

15 A Sometime in the early 1960's, sources were developed
16 within the FBI, and those sources were able to identify the
17 leaders of the five families in New York and the names of
18 those five leaders and the names that we still use today in
19 law enforcement to identify those families.

20 Q What are the five New York-based organized-crime
21 families?

22 A You have the Gambino Crime Family, Genovese Crime Family,
23 Luchese Crime Family, the Bonanno Crime Family and the Colombo
24 Crime Family.

25 Q You mentioned the Gambino Organized Crime Family. Is it

1 known by any other name?

2 A Yes.

3 Q What's that?

4 A "John's Family."

5 Q And who is "John"?

6 A "John" refers to John Gotti.

7 Q You mentioned the Genovese Family. Is it known by any
8 other name?

9 A Yes.

10 Q What name?

11 A The West Side.

12 Q With respect to the five New York families of organized
13 crime, do they have the same or a similar structure?

14 A Yes.

15 MR. BURLINGAME: Judge, if I could just have a
16 minute. I'm not sure that we have Government's Exhibit 1.

17 Judge, permission to approach?

18 THE COURT: Has that been marked?

19 MR. BURLINGAME: Yes, your Honor. It's Government's
20 Exhibit 1.

21 Q Investigator Carillo, I'm showing you what has been
22 marked as Government Exhibit 1. Do you recognize it?

23 A Yes.

24 Q What is it?

25 A It's a diagram of the hierarchy of an organized-crime

1 family.

2 MR. BURLINGAME: I offer it, your Honor.

3 THE COURT: Yes. You may publish it.

4 (So marked.)

5 Q Investigator Carillo, with the Court's permission, I
6 would ask you to step off the stand and explain the structure
7 of organized crime to the jury.

8 MR. FARBER: Can it be positioned so defense counsel
9 can see it?

10 THE COURT: No. You can move.

11 Q Investigator Carillo, if you'd start at the top of the
12 board, and just explain to us the contents.

13 A Sure.

14 Each family has a boss. His power within his
15 organized crime family is absolute. He can't be questioned by
16 anybody in the family. He metes out punishment when he deems
17 necessary, and sets policy for his family.

18 Under the boss, you have the underboss and
19 consigliere. They are both appointed by the boss of the
20 family. The underboss is his second-in-command. The
21 consigliere is his advisor. The three positions, the top
22 three positions, are referred to as the administration of the
23 family.

24 Q Does the consigliere have any other responsibilities
25 besides advising the boss?

1 A He's an advisor to the boss, and sometimes he's a
2 mediator within other families. He's usually somebody who is
3 well respected with the other four families in New York.

4 Below that, you have the rank of captains. They are
5 also known on the street as capos, skippers, capodecimas and
6 caporegimes. They are assigned by the boss of the family as
7 their frontline supervisors.

8 Underneath the captain, you see soldiers, also
9 members of the family, and associates. Associates that are on
10 record, higher-level associates, and soldiers in each family
11 is what makes up each captain's regime or crew.

12 Q What is the administration?

13 A As I said, the boss, underboss and consigliere of each
14 family.

15 Q What are some of the terms that are used to refer to
16 soldiers?

17 A On the street, you'll hear soldiers referred to as
18 goodfellas, wise guys, button men, men of honor. Members
19 themselves will refer to somebody that's a soldier as somebody
20 that's in the life or somebody that's been straightened out.

21 Q What does it mean to be a made man?

22 A A made man is also referred to as a soldier, an inducted
23 member of the organized crime family.

24 Q What are a soldier's responsibilities?

25 A A soldier's responsibility, once inducted into the

1 family, is to go on record with his captain with all
2 legitimate and illegitimate enterprises that he's involved in,
3 and his responsibility is to turn over a certain percentage of
4 illegal and sometimes legal business to his captain. A
5 certain percentage has to go up.

6 Q Can you explain further about who is an associate?

7 A An associate is anybody that's outside the family that's
8 involved in illegal activity with somebody in the family.
9 There are associates that sort of freelance. They operate
10 with different organized-crime members. And then there's
11 closer associates, which are called "on record," and they
12 usually are claimed by a member of organized crime, and it's
13 sort of like they are almost owned, to a degree, as far as
14 their illegal enterprises are involved.

15 Q You mentioned that captains have crews of soldiers and
16 associates. Can people under captains have crews?

17 A You'll hear that on the street, but an actual crew in
18 Cosa Nostra is definitely a captain. You'll hear "crews,"
19 because sometimes there are many associates, some soldiers are
20 more powerful than others, and they'll refer to a soldier's
21 crew of associates. As far as typical Cosa Nostra language, a
22 captain has a crew.

23 Q You testified about the various positions in
24 organized-crime families?

25 Are there situations that arise to make it difficult

1 for a person holding a particular position to carry out their
2 responsibilities.

3 A Yes.

4 Q What's sorts of situations?

5 A If somebody is incapacitated due to illness or
6 incarceration, sometimes in Cosa Nostra a boss will assign
7 temporary positions. You'll have what you call acting
8 captains or capos, acting consiglieres, and acting underbosses
9 and even acting bosses.

10 Q What's the responsibility of an acting title?

11 A While that person, the official person, is incapacitated,
12 they carry on the day-to-day responsibilities of that rank,
13 whatever that entails.

14 Q So, when someone is sent to prison, do they lose their
15 membership status?

16 A No, you never lose your membership in Cosa Nostra.

17 Q Do they lose their rank?

18 A Sometimes. It's up to the boss of the family, the
19 circumstances.

20 Q Do members and associates visit other members and
21 associates of organized crime when they are in prison?

22 A Yes.

23 Q Can there be acting soldiers?

24 A No.

25 Q Why is that?

1 A A soldier is an official position with an organized crime
2 family. It's the lowest inducted position. You cannot be
3 acting from outside the family.

4 Q You testified about the various positions in the family,
5 starting with the boss. How is the boss chosen?

6 A A boss is chosen -- there's five families in New York,
7 and they are in many other cities throughout the United
8 States. Each family selects differently. Sometimes the
9 outgoing boss, if he's ill or going to be incarcerated for
10 many years, he'll choose his successor, or sometimes the
11 captains and above votes in the new boss.

12 Q How is the underboss chosen?

13 A That's always an appointment from the boss.

14 Q Does it vary?

15 A Same thing.

16 Q Captains?

17 A Captains, also.

18 Q In the world of organized crime, is it considered an
19 honor to become a made member of an organized crime family?

20 A Well, the people that are usually inducted into organized
21 crime, some of them wait many years, twenty, thirty years, to
22 be inducted. It's considered an extreme honor in this world
23 of Cosa Nostra.

24 Q Investigator Carillo, you can retake the stand.

25 Investigator, you mentioned --

1 THE COURT: Remove the placard, please.

2 MR. BURLINGAME: Sorry.

3 Q Investigator Carillo, there are five organized crime
4 families in the New York area. Are there any other families
5 that operate in the area?

6 A Yes. With the permission of the five families, for a
7 period of time, the DeCalvacante Family, which is based in
8 Elizabeth, New Jersey, had some members that were operating in
9 New York.

10 Q Is there another name for the DeCalvacante Family?

11 A Not that I know.

12 Q A little while ago, you explained what the administration
13 is in a typical organize crime family. Is that how the
14 Gambino Family operated?

15 A Yes.

16 Q What are the primary purposes of an organized crime
17 family?

18 A To make money for its members through illegal activities,
19 and to protect its hierarchy.

20 Q When members and associates of organized crime make money
21 through crime, do they have obligations with respect to the
22 money they earn?

23 A Yes.

24 Q What happens to the profits?

25 A A certain percentage of the monies they receive from

1 illegal activities has to be pushed up through the ranks of
2 the family.

3 Q Are there terms for that?

4 A Yes. Kicking up or tribute.

5 Q What do members and associates get in exchange for
6 kicking up money?

7 A Well, if you're an associate involved in an illegal
8 enterprise, you're kicking up a certain percentage of your
9 profits from that enterprise. In return, you are receiving
10 protection from that family.

11 What I mean by "protection," if you are involved in
12 some illegal loansharking or bookmaking operation, if you are
13 under the protection of a particular member of organized
14 crime, you cannot be extorted from other members of organized
15 crime. If, in the operation of your illegal enterprise, you
16 are attempting to retrieve monies through that enterprise, you
17 have that representation of being with that made member or
18 that member of that organized crime family.

19 Q At the associate level, is there interaction between
20 different families?

21 A Yes.

22 Q How does that take place?

23 A It all about making money. It's a constant intertwining
24 of associates that are on record with different families.

25 Q How does a person typically become an associate of an

1 organized crime family?

2 A Usually, it starts at a young age. Associates are
3 usually around made members from an early age in particular
4 neighborhoods. So, they have to know you, they have to know
5 your family.

6 Sometimes it happens later in life, where you open
7 up a particular business or enterprise and you can become an
8 associate that way, also.

9 Q At what age do individuals typically become involved in
10 organized crime?

11 A Usually, at a young age.

12 Q Is there any age when individuals stop being involved in
13 organized crime?

14 A No.

15 Q Can an associate on record choose not to kick up money?

16 A No.

17 Q What typically happens if an associate tries to stop
18 kicking up money?

19 A There could be various consequences. The organized crime
20 member could chase that person. That's a term for telling
21 them they don't want to be seen around particular areas.

22 They could also -- the organized crime member could
23 take over the whole operation if they are involved in illegal
24 activities. They can be disciplined or killed if the member
25 feels the infraction warrants that type of discipline.

1 Q Are there any qualities organized-crime families look for
2 in an associate?

3 A Yes.

4 Q What are those?

5 A It's all about money, so it's earning power. And they
6 want to see a degree of loyalty, they want to feel that they
7 could trust that person.

8 Q Any other qualities besides loyalty and earning power?

9 A Well, for an associate, there are people that are capable
10 of violence that are associates. So, it would either be
11 earnings power or the capability of commit violence for that
12 family.

13 Q You said "capable of violence." Is "capable" a term of
14 argument in organized crime?

15 A Yes.

16 Q What does it mean if someone is capable?

17 A If they refer to be somebody as capable, that means they
18 are known to be able to commit violence.

19 Q You said loyalty is an important quality. Why is loyalty
20 important?

21 A Well, Cosa Nostra thrives on illegal activities and
22 loyalty. Cooperation with law enforcement is the thing that
23 hurts the families the most.

24 Q What does it mean if someone is a stand-up?

25 A Stand-up means the same thing, somebody that Cosa Nostra

1 member feels can stand up under the scrutiny of law
2 enforcement.

3 Q You also testified that someone who is capable of
4 violence is a person who makes a good associate. Why is that?

5 A Cosa Nostra thrives on fear. If a particular member of
6 organized crime has other members and associates that are
7 capable of violence, that enhances their ability to make
8 money.

9 Q Is it common in organized crime for an associate to be
10 asked to commit violence?

11 A Yes.

12 Q Murder?

13 A Yes.

14 Q Why would an associate agree to do that?

15 A Sometimes the associate has aspirations of becoming a
16 member, and sometimes they just want to continue in the
17 illegal enterprise that they are making money with the family.

18 Q Does that help your chances of becoming a member, if you
19 are willing to commit murder?

20 A Among other criteria, yes.

21 Q Is there a process by which an associate becomes inducted
22 or initiated as a member of an organized Crime Family?

23 A Yes.

24 Q Are there requirements for becoming a member?

25 A Yes.

1 Q What are those?

2 A You have to be male. You have to be of an Italian
3 descent, at least on your father's side. In some families,
4 you have to be of 100 percent Italian descent and you have to
5 be sponsored by a member of that particular organized crime
6 family.

7 Q Is there currently a requirement that you have to
8 participate in a murder to become a member of an organized
9 crime family?

10 A No.

11 Q Has there ever been such a rule?

12 A I think until the 1950's, that was a requirement.

13 Q And has it been common since then?

14 A No. The only thing committing homicides do is, it
15 gives -- puts you in better consideration for becoming made.
16 But the three criteria they are looking for is loyalty, your
17 ability to commit violence, and earning power.

18 (Continued on next page.)

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1 BY MR. BURLINGAME:

2 Q Have you ever heard soldiers referred to as either
3 earners or shooters?

4 A Yes.

5 Q What is an earner?

6 A An earner is somebody that earns money for the family and
7 shooter is somebody that commits violence for the family.

8 Q Historically, what is the most assured way of becoming a
9 made member of organized crime?

10 A Well, if you are capable of committing violence, and it
11 is for the right members, that could put you to the front of
12 the line as far as becoming inducted. Over the last several
13 years earning power has become important also.

14 Q Do associates every gain prominence in organized crime
15 without becoming made?

16 A Yes.

17 Q When does that typically happen?

18 A When they're outside the family, they may not be able to
19 get inducted because of ethnic background, and they still have
20 reputations for either being violent or tremendous money
21 earners for the family.

22 Q Do you know if it's common in organized crime for
23 individuals to have their relatives invested as members?

24 A Yes.

25 Q Prior to induction you mentioned that had a made member

1 has to propose an associate for membership?

2 A That's correct.

3 Q Can you explain the process.

4 A Yes. If a member wants to propose an associate for
5 induction into the family, he has to get permission from his
6 boss.

7 If his boss decides that this is an appropriate
8 person to put up for membership, a list is made from that
9 family, it's sent to the other four families for their
10 approve.

11 Upon the approval of the other four families, at the
12 time the boss wants to open the books -- that's a reference to
13 opening the books to make new people -- then that person will
14 become inducted.

15 Q Are there actually any books?

16 A No.

17 Q Can you go look up and -- can you go look at a book and a
18 figure out who is a member of organized crime and who is not?

19 A No.

20 Q Are there certain number of individuals who are inducted
21 into organized crime families every year?

22 A Yes.

23 Q And what is the rules regarding who can be inducted?

24 A You can replace the dead members. So in a particular
25 year, if five members die, you can replace those members and

1 they have over the last a several years a plus two rule. You
2 can replace the dead members plus two additional members each
3 year.

4 Q Is there a ceremony held when someone is inducted into an
5 organized crime family?

6 A Yes.

7 Q Is it a public ceremony?

8 A No.

9 Q Why is it private?

10 A It's supposed to be a secret society.

11 Q Where are these ceremonies typically held?

12 A Sometimes in people's basements -- we have had
13 information -- restaurants, hotel rooms; wherever they feel
14 secure.

15 Q Can you walk us through what happens at one of these
16 ceremonies?

17 A Yes. I'll give you the historic version because it has
18 changed over the years, but historically, when a member is
19 told to come to a certain location, there's going to be an
20 induction ceremony, he's usually met by the person that
21 sponsors him, the boss or other high ranking members of the
22 family are there, they commit a ceremony.

23 They hold hands. They open the ceremony. They ask
24 the member historically, Do you know why you're here? They
25 have to answer no. Obviously they know why they're there.

1 Then they proceed to go through a ceremony, which on
2 a table historically there was a gun and a knife. They would
3 ask a person being inducted if they're willing to live their
4 life by the knife or the gun for Cosa Nostra, which means are
5 you willing to kill for Cosa Nostra. They say yes.

6 Then they take a picture of a saint, they light it
7 on fire, they put it in the palms of the person being inducted
8 and they have to recite the oath that they should burn in hell
9 if they betray anybody in Cosa Nostra or anybody in the room.

10 At the end of that part of the ceremony, that new
11 inducted person is introduced to his captain and whoever else
12 on the administration is present, including the boss. Then
13 usually his captain will explain several rules how to live in
14 this new life of Cosa Nostra.

15 The ceremony is supposed to represent a rebirth of
16 this person. It's supposed to put down all parts of their old
17 life. This is their new family, this is their new way of
18 life.

19 Q Does anything happen to the person who is being
20 inducted's finger?

21 A Yes. Prior to the saint being put on fire, the boss or
22 whoever is conducting the ceremony, will prick the person's
23 finger and a drop of his blood will fall on the saint. Then a
24 photo of the saint or piece of paper, whichever they use, is
25 burnt in the person's palm of their hands.

1 Q You said they start the ceremony by asking a question, Do
2 you know why you're here?

3 A Yes.

4 Q And is that a real question?

5 A Well, it's been modified lately. I gave you the version
6 of the way the ceremonies were conducted. They've changed
7 over the years, recent years, where they don't ask that
8 question. Obviously they are looking for a false answer right
9 from the beginning.

10 Q You said that the ceremony involved answering the
11 question, Are you willing to live by the gun and the knife?
12 What does that mean?

13 A That means, Are you willing to kill for Cosa Nostra? And
14 if you betray Cosa Nostra you're acknowledging the fact that
15 you should die.

16 Q And is that taken literally?

17 A Yes.

18 Q On command?

19 A Yes.

20 Q You said there has been changes to the induction ceremony
21 over the years. What sorts of changes?

22 A I don't believe they use the gun or the knife anymore for
23 fear of law enforcement detection. They've taken other steps
24 to make the ceremony secure.

25 Q Once a member is inducted, are there any protocols for

1 meeting with other made members?

2 A Yes.

3 Q What are those?

4 A In Cosa Nostra you can only be introduced to another
5 member of Cosa Nostra by a third party that is also a member.
6 And usually the way that meeting would take place, if there's
7 a newly inducted person, his captain would take him around to
8 other members and say an amico nostro, which means he's a
9 friend of ours. So in Cosa Nostra you'll hear them refer to
10 each other as friends.

11 Q Are there any protocols for learning a member's rank?

12 A Yes. You also would have to learn the rank through
13 another member.

14 Q What is the purpose of these protocols, why do they have
15 them?

16 A It's for security purposes, and it's supposed to be a
17 secret society and it's for verification. There is no book
18 stating the 200 or so members in the Gambino crime family.
19 The only reference they have is if somebody else with vouch
20 for them that they are a made member.

21 Q During the course of your investigations into organized
22 crime have you learned that organized crime families have
23 certain rules?

24 A Yes.

25 Q And are you familiar with those rules?

1 A Yes.

2 Q Are these the rules that you said were explained during
3 the ceremony?

4 A Yes.

5 Q Can you tell me some of the rules.

6 A Well, usually after an induction they will sit the new
7 member down and go over several rules. The rule I had
8 mentioned before was omerta, silence. Once a member you're
9 vowing to never disclose the business of Cosa Nostra to any
10 outsider.

11 You are also vowing to not cooperate with law
12 enforcement in any way. That goes as far as if you have a
13 burglary at your house, you're not supposed to make a report.
14 That would be cooperating with law enforcement.

15 When you become a made member, an inducted member,
16 you're also vowing to go on record with all your illegal
17 activities and whatever legal activities you are involved with
18 that may have been funneled through the laundering of money
19 from the illegal activities.

20 You also take a vow to come when summoned by any
21 superior in your Cosa Nostra family with no excuses accepted.
22 They use the example. If you're at the bedside of your sick
23 mother and your captain calls, you have to come. There is no
24 excuses, they won't be accepted.

25 You are also told not to deal in narcotics or

1 government securities. You are also told, once a member of
2 Cosa Nostra, to treat all other members of Cosa Nostra with
3 respect. You're not allowed to raise your hand and you're
4 also supposed to respect them even in a dispute.

5 The other rule that is usually explained is if you
6 have any dealings with another Cosa Nostra member's female
7 family, it has to be with good intentions.

8 Q Is there any rule concerning loyalty?

9 A Yes.

10 Q Can you explain that rule.

11 A Well, loyalty, generally speaking, is part of those
12 rules.

13 Q Would that include placing Cosa Nostra before your blood
14 family?

15 A Yes.

16 Q Let's talk a little bit about some of these rules. You
17 testified that a made member of Cosa Nostra can't raise his
18 hands to another member. What is the purpose of that rule?

19 A Well, once you are a part of Cosa Nostra you're supposed
20 to be a man of respect and you're supposed to treat other
21 members with respect. That would lead somebody to losing face
22 or possibly disgraced if you physically hit them or even
23 verbally abused them.

24 Q You mentioned earlier that you conducted surveillances at
25 wakes, weddings, funerals. Are there customs about attending

1 those sorts of events?

2 A Yes.

3 Q And what are those?

4 A They vary from family to family, but some bosses mandate
5 when a member of an organized crime member's family dies, a
6 certain amount of people, made members from that family, have
7 to attend. Some families are more lax about it.

8 Q Is organized crime business conducted at those kinds of
9 events?

10 A Yes.

11 Q Why is that?

12 A Well, it's a spontaneous event. Somebody dies, you hear
13 usually the day before that you have to go to that wake at
14 that particular funeral parlor, which makes it very hard for
15 law enforcement to detect any kind of meetings therein, and
16 it's very common for sometimes 50, 60, even a hundred made
17 members of various families to attend the ceremony.

18 Q When you say it's hard for law enforcement to detect
19 meetings going on there, what are you talking about?

20 A It's spontaneous, so it's very hard for us to detect
21 meetings going on inside the locations through eavesdropping
22 devices or other ways of surveillance.

23 Q I see. You testified that a rule is that your organized
24 crime family comes before your blood family. Can you explain
25 that a little further.

1 A Yes. Like I explained before, it's the giving up of your
2 old life into a new life. There is still a certain amount of
3 respect for your blood family, and other members will do
4 anything to protect your blood family, but they're telling you
5 upon induction of Cosa Nostra you're supposed to put your new
6 criminal family first.

7 Q You mentioned another rule about coming in when you're
8 called. Can you talk about that a little bit.

9 A Yes. There is just no excuses. If they call you in,
10 whether it's ridiculous to you or something that you think is
11 important, you have no choice, your superiors call, you have
12 to come.

13 Q You said there's a rule about going on record and getting
14 permission for your legal and criminal activities. Can you
15 explain that a little further.

16 A Well, your responsible to your captain when you're
17 inducted, so they have to know everything about you, they have
18 to know every illegal enterprise that you're involved in
19 because they want a certain percentage of it, they want to
20 know everything before you, including maybe you have part of a
21 legitimate business. They want to know all aspects of your
22 life.

23 Q What is the purpose about not sleeping with members wives
24 and girlfriends?

25 A It's supposed to be a family and you're supposed to treat

1 family members with respect.

2 Q You also talked about an oath of omerta and that part of
3 that means you can't discuss family business with outsiders.
4 Are associates considered outsiders?

5 A Yes.

6 Q So a made member is not supposed to discuss family
7 business with associates?

8 A No. You can discuss as a made member criminal activity
9 that you are involved with that associate, but you're not
10 supposed to discuss the business of Cosa Nostra, the inside
11 business of it.

12 Q Would the inside business mean discussing who is and who
13 is not a member?

14 A Yes.

15 Q So according to the rules associates should not know who
16 is made?

17 A They are not supposed to, but in reality out there they
18 do.

19 Q So what is the reality?

20 A The reality is that although it's against the rules for
21 that to occur, it does happen because there are associates
22 that need to know that information.

23 Q In your experience, do members and associates of
24 organized crime often know about crimes they didn't
25 participate in?

1 A Yes.

2 Q How do they no about them.

3 MR. FARBER: Objection.

4 THE COURT: I will allow it. You can answer.

5 A Yes, they do.

6 Q How do they know about those crimes?

7 A By people in Cosa Nostra discussing things they are not
8 supposed to outside the family. There is a certain bravado
9 that goes on in Cosa Nostra. If they discuss violent acts
10 that they are involved in, sometimes it makes them have a
11 better reputation on the street and in their eyes a better
12 earning power through the act of fear; people know that you
13 have committed violence, people are more apt to pay things on
14 time and to cooperate with you.

15 Q Would that include discussions about murders?

16 A Yes.

17 Q Does discussing organized crime murders violate a rule of
18 Cosa Nostra?

19 A Yes.

20 Q But it's done anyway?

21 A Yes.

22 Q And again why is that?

23 MR. FARBER: Objection.

24 THE COURT: I will allow it. You may answer.

25 A Again, sometimes it's done to enhance their reputation on

1 the street.

2 Q Are other rules broken?

3 A Yes.

4 Q Can you give the jury a couple of examples of rules that
5 are commonly broken.

6 A You're not supposed to deal in narcotics. A large
7 percentage of organized crime members do deal in narcotics.
8 You're supposed to go on record with all your illegal
9 activities and legal activities.

10 There comes a point where a lot of members try to
11 hide certain illegal activities or legal activities to keep
12 most of the money for themselves.

13 The rules are manipulated within Cosa Nostra. The
14 higher the rank you are sometimes you're more able to
15 manipulate the rules.

16 Q Are there penalties for violating the rules?

17 A Yes.

18 Q What is the range of possible penalties?

19 A Well, the worst penalty is that you can be killed, which
20 happens often in Cosa Nostra for a violation. If you're a
21 member of Cosa Nostra and you have broken a rule, you can be
22 what they call shelved. That's when they temporarily or
23 sometimes permanently take your powers away in Cosa Nostra
24 either from earning, you're not supposed to be met by other
25 members of Cosa Nostra, people aren't supposed to respect you

1 as a member anymore. And sometimes you're just verbally
2 chastised for whatever you've done as a member or as an
3 associate.

4 Q Are penalties always imposed for violations?

5 A No.

6 Q Would it be fair to say that the rules are enforced
7 somewhat selectively?

8 A Yes.

9 Q How is it determined how strictly to enforce the rules?

10 A Well, it's up to the boss of the family or captain with
11 the soldiers. If somebody's a tremendous earner or they have
12 done what they call a lot of work or violence for the family,
13 that may be taken into consideration. Some people will get
14 killed for something that somebody else won't even be
15 reprimanded for.

16 Q Do more valuable members get away with breaking more
17 rules?

18 A Yes.

19 MR. FARBER: Objection.

20 THE COURT: I will allow it.

21 A Yes.

22 Q Are organized crime associates expected to conduct
23 themselves in a certain way?

24 A Associates?

25 Q Yes.

1 A Yes.

2 Q What way would that be?

3 A They have to give a certain percentage of their profits
4 from illegal activities. A lot of the rules that I just
5 explained to you, that pertains to inducted members.

6 Q Are organized crime associates expected to keep quiet
7 about their organized crime knowledge?

8 A Sure, they are not supposed to cooperate either. That's
9 why, to become associated with an organized crime member, one
10 of the of the criteria is loyalty. They don't want you to
11 cooperate. That could destroy them.

12 Q Are they expected to follow the directives of the
13 organized crime member who they are under or they report to?

14 A Yes.

15 Q Can they be punished for not conducting themselves in the
16 way they are supposed to?

17 A Yes.

18 Q What sort of penalties can they be subject to?

19 A Well, they could also be killed for an infraction. They
20 could -- they sometimes are verbally chastised for what they
21 have done.

22 They could also be chased, which means they could be
23 sent out of an area, told never to return and if they do there
24 will be retribution. You can't chase an organized crime
25 member, you can chase an associate. Once a member always a

1 member.

2 Q You said that associates can be killed for not behaving
3 themselves appropriately. Is that rare?

4 A Well, I wouldn't say it's rare. It happens, sure.

5 Q What would be the most important factor in determining
6 how harshly to punish an associate for a violation?

7 MR. FARBER: Objection.

8 THE COURT: I will allow it.

9 A Again, the associate would be disciplined according to
10 how valuable he is to the member. If he's bringing in tons of
11 money, chances are that they're -- the infraction is going to
12 be less.

13 Q You testified about the oath of omerta. If you cooperate
14 with law enforcement is that a violation of omerta?

15 A Yes.

16 Q Is cooperation with law enforcement a violation that is
17 enforced selectively?

18 A No.

19 Q Can you explain.

20 A Yes. Cosa Nostra thrives on secrecy, it's supposed to be
21 a secret society. Anytime anybody cooperates with law
22 enforcement it's a damaging blow to Cosa Nostra. So they're
23 not able to always kill everybody that cooperates, but if they
24 have the chance, if they have the ability to, they would do
25 it.

1 Q Is the same true for associates who cooperate?

2 A Yes.

3 Q Despite the severity of the punishment, do members and
4 associates cooperate with law enforcement from time to time?

5 A Yes.

6 Q Once you are inducted into an organized crime family is
7 there some procedure by which you can resign?

8 A No.

9 Q Can you explain.

10 A At your induction you're told at times, there's only one
11 way in and one way out of Cosa Nostra. The only way you can
12 leave is if you die.

13 Even when somebody cooperates within Cosa Nostra,
14 that replacement that I told you only when people die, if
15 somebody cooperates they can't replace that person, that
16 number in that family.

17 So although they are cooperating with law
18 enforcement, and obviously they are not involved in the
19 illegal activities anymore with that family, they still have
20 to be carried as a member.

21 Q Can you retire from organized crime?

22 A If you're elderly and you're incapacitated because of
23 age, you can, I guess what they would call retire. But it's
24 with the condition that if that organized crime member is
25 called in by a superior and he's physically able to come in,

1 he still has to come in.

2 There is no retiring at a young age. There are some
3 elderly members that basically they're not involved anymore..

4 Q Because they are incapacitated?

5 A Yes.

6 Q Are they still members though?

7 A Yes.

8 Q What is the traditional manner in which you can leave
9 organized crime?

10 MR. FARBER: Objection.

11 THE COURT: I will allow it.

12 A For a member?

13 Q Yes.

14 A There's only one way out, that's by passing away, by
15 dying.

16 Q No other way out?

17 A No.

18 Q If you are given an order by a superior in organized
19 crime do you have the ability to disobey it?

20 A No.

21 Q What is the scope of the authority of a boss of an
22 organized crime family?

23 A It's absolute. He can do whatever he wishes with his own
24 family.

25 Q What is the penalty for disobeying an order from a boss?

1 A You could be killed.

2 Q One of the oaths that you take when you join the family
3 is to commit murder on a boss's order?

4 A Yes.

5 Q Must you obey an order to kill?

6 A Yes.

7 Q What's the penalty if you don't?

8 A You can be killed yourself.

9 Q Does the boss have the power to order soldiers and
10 associates not to commit murders?

11 A Yes.

12 Q What would be the penalty for committing a murder in
13 violation of the boss's orders?

14 A You could be killed.

15 Q Are murders committed without permission, frequently?

16 A Yes.

17 Q Are members typically killed for doing so?

18 A Typically, sometimes they are, sometimes they're not.

19 Q I'd like to go through some organized crime terms and
20 concepts with you. Do members of organized crime typically
21 have nicknames?

22 A Yes.

23 Q Why is that?

24 A It's very common within that world to know somebody
25 either by the nickname or their first name and not even know

1 their last name and you could be associated with them for
2 20 years.

3 Q Are you familiar with the term beef?

4 A Yes.

5 Q What is a beef in organized crime?

6 A That's a dispute.

7 Q Are you familiar with the term sit-down?

8 A Yes.

9 Q What is a sit-down?

10 A A sit-down is the term used to settle that dispute or
11 beef.

12 Q And are those disputes within families or between
13 different organized crime families?

14 A It could be either.

15 Q Are there rules concerning conducting sit-downs?

16 A Yes.

17 Q Can you explain those?

18 A Yes. If there's a dispute between two associates in two
19 different organized crime families, at the sit-down they have
20 to have representing them people of the same rank.

21 So if one person is represented by a captain and the
22 other one is a soldier, the other associate has to get that
23 soldier's captain. If a boss or somebody in the
24 administration meets to settle a dispute, it can only be with
25 somebody from the administration. So the ranks have to be the

1 same at a sit-down.

2 Q Are you familiar with the term walk-talk?

3 A Yes.

4 Q What is a walk-talk?

5 A It's just members or associates of organized crime
6 walking outside to discuss illegal activity to avoid
7 eavesdropping detection from law enforcement.

8 Q Are there terms in organized crime that are used to
9 describe killing somebody?

10 A Yes.

11 Q What kinds of terms?

12 A You hear whack, clip, hit. Those are the three most
13 generally used.

14 Q And you've talked -- mentioned a couple of times being on
15 record. Could you explain again what that means.

16 A On record for an associate?

17 Q Yes.

18 A When an associate is on record, he's claimed by that
19 member. He owns that member's illegal activities. In return,
20 that member that's on record has representation by that family
21 member; whether a dispute comes up, or they're looking to
22 obtain money through illegal activities that aren't being paid
23 them, so they're given money in return for representation in
24 that world.

25 Q What does it mean to be with someone or around someone?

1 A The same thing. It means that you're around somebody,
2 with somebody, you're associated with them.

3 Q You mentioned being on record. What does it mean to put
4 something on record?

5 A Putting something on record is to go into your superior
6 in Cosa Nostra and telling them either you were approached by
7 law enforcement, you're opening up another illegal enterprise,
8 you're stating to them, you're going on record with them with
9 something in particular.

10 Q Are you supposed to put murders on record?

11 A Yes.

12 Q Does that always happen?

13 A No.

14 Q Is a member permitted to kill associates under them
15 without prior approval?

16 A If you're a member of Cosa Nostra, you cannot commit a
17 murder of anybody without the permission of your superior who
18 in turn, if you get permission from your captain, is supposed
19 to get it from the boss of your family.

20 Q Does it happen anyway?

21 A Yes. Does it happen without permission?

22 Q Yes.

23 A Yes.

24 Q Do organized crime members on occasion use legitimate
25 businesses?

1 A Yes.

2 Q What for?

3 A Sometimes the illegal monies from an illegal enterprise
4 will be funneled, money laundered through a legal operation,
5 and sometimes they money they get, that business becomes
6 lucrative also, so it could be twofold. It could be to
7 launder money, it could be to make money.

8 Q What does it mean to shake someone down?

9 A Shake somebody down is an extortion. Basically, there's
10 a fear factor involved. You can approach somebody, whether
11 they're involved in legal or illegal activities, and expect a
12 monetary payment again for protection, not to be harmed.

13 Q Is that a common activity among members and associates of
14 organized crime?

15 MR. FARBER: Objection.

16 THE COURT: I will allow it.

17 A Extremely common.

18 Q You testified earlier that one of the five families is
19 the Gambino organized crime family. Who is the Gambino family
20 named after?

21 A Carlo Gambino.

22 Q Is he dead or alive?

23 A He died.

24 Q You testified earlier about something called a social
25 club. Can you explain what that is.

1 A Yes. A social club is usually a storefront, it could be
2 opened up by a member or an associate of organized crime.
3 It's a meeting place.

4 Although over the years less conversations have been
5 detected inside the social clubs regarding illegal activity,
6 it is a place where the exchange of monies from illegal
7 activities is quite common.

8 There is also social activities that happen in
9 social clubs. Sometimes certain members or associates will go
10 there to play cards, sometimes it will be to dine inside the
11 location. It's used for various things within that world of
12 Cosa Nostra. It could be illegal activities, sometimes legal.

13 Q Are social clubs open to the public?

14 A No.

15 Q You testified you have conducted surveillance on social
16 clubs; correct?

17 A Yes.

18 Q When you conduct surveillance on social clubs are you
19 able to go inside the social clubs?

20 A No.

21 Q You testified earlier about conducting physical
22 surveillance. Can you explain to the jury exactly what
23 physical surveillance is, how you would conduct physical
24 surveillance on a social club or other organized crime meeting
25 place.

1 A Yes. As I had stated before, I need an observation
2 point. That could be inside a vehicle, it can be in other
3 locations. Basically I need an observation point to see the
4 location, to see who is coming and going; again, to document
5 associations, sometimes to identify new people.

6 Q You mentioned that you conduct surveillance at funeral
7 homes and wakes. Why do you do that?

8 A Well, again, certain bosses of families mandate that a
9 certain amount of members come. You do those surveillances,
10 again, to document associations and many times to identify new
11 associates or members.

12 Q In addition to funeral homes and wakes, are there other
13 types of family events you attend?

14 A Sometimes, yes.

15 Q What sorts?

16 A They could be christenings, weddings, if we have
17 information that a large number of organized crime members are
18 going to show up, which sometimes that occurs.

19 Q Again, why is it important to conduct surveillance at
20 these types of events?

21 A Associations.

22 THE COURT: Please. You're getting quite
23 repetitive. How much longer do you have?

24 MR. BURLINGAME: Not much longer. We're going to
25 then get into the exhibits very shortly.

1 THE COURT: Take a break, would you, ladies and
2 gentlemen. Take ten minutes.

3 (Jury leaves.)

4 THE COURT: All right. Ten minutes.

5 (Recess.)

6 (Jury present.)

7 THE COURT: Be seated, please.

8 MR. BURLINGAME: May I continue?

9 THE COURT: Yes.

10 THE COURT: Before we go forward, ladies and
11 gentlemen, with the direct testimony, this witness has thus
12 far provided general background on criminal activity to help
13 you understand the evidence. The evidence itself, including
14 this evidence, must prove this particular defendant
15 specifically guilty beyond a reasonable doubt of these
16 specific charges.

17 Proceed.

18 MR. BURLINGAME: Thank you, Judge.

19 BY MR. BURLINGAME:

20 Q Investigator Carillo, when you conduct surveillance at
21 these sorts of events, are you always able to take photos of
22 everyone who you can identify at the event who is a member or
23 associate of organized crime?

24 A No.

25 Q Why not?

1 A Sometimes environmental factors, it could be lighting, it
2 could be vehicular traffic, it could be any one of a number of
3 reasons.

4 Q Do you take notes when you conduct surveillance?

5 A Yes.

6 Q What happens to those notes?

7 A At a later time I formalize them on a report.

8 Q Do you review those reports for their accuracy?

9 A Yes.

10 Q Do you share them with other law enforcement Asians?

11 A Yes.

12 Q Do you coordinate your surveillances with other law
13 enforcement agencies?

14 A Yes.

15 Q Do you record the license plates when you are conducting
16 surveillance at Mafia events?

17 A Yes.

18 Q What is the purpose of that?

19 A To identify registered owners and occupants of vehicles.

20 Q Do you still conduct surveillance yourself?

21 A Yes.

22 Q Have you conducted physical surveillance of members and
23 associates of the Gambino crime family?

24 A Yes.

25 Q When did you start performing surveillance at Gambino

1 family events?

2 A Early 1990s.

3 Q And when was the last time you conducted surveillance of
4 a Gambino crime family event?

5 A Last week, up in the Bronx.

6 Q Approximately how many surveillances, in total, have you
7 performed?

8 A Well over a thousand. Could be a couple of thousand.

9 Q Approximately how many of those would you say involved
10 the Gambino crime family?

11 A Over 500.

12 Q How many pictures have you taken?

13 A Thousands.

14 Q How many have you reviewed?

15 A Thousands.

16 Q Investigator Carillo, I placed behind you Government's
17 Exhibits 250 to 261. If you could just take a minute and flip
18 through them.

19 (Pause.)

20 A Okay.

21 Q Have you reviewed those before you testified?

22 A Yes.

23 Q What are they?

24 A Boards of surveillance photos of different locations.

25 Q And were you conducting surveillance when those

1 photographs were taken?

2 A Yes.

3 Q Did you take any of the photos on those boards?

4 A Some of them, yes.

5 Q When you were conducting surveillance, were you are
6 typically alone or with others?

7 A With others.

8 Q Did you do anything to the boards when you reviewed them
9 prior to trial?

10 A Yes.

11 Q What did you do?

12 A I identified people in the photos and placed stickers
13 with their names above who I identified, above or below them.

14 Q Are the identifications you made accurate?

15 A Yes.

16 Q Are the pictures on the boards fair and accurate
17 depictions of some of the people you observed while conducting
18 surveillances?

19 A Yes.

20 Q Have you reviewed the content of the boards?

21 A Yes.

22 Q Is it accurate?

23 A Yes.

24 Q Mr. Carillo, you testified that you did surveillance of
25 wakes, weddings and other events. The during the course of

1 that time, have you ever observed Charles Carneglia?

2 A Yes.

3 Q Do you see him here in the courtroom?

4 A Yes.

5 Q Can you please identify him?

6 A Yes, the gentleman with the white shirt and the beard.

7 MR. BURLINGAME: Identifying the defendant.

8 THE COURT: Yes.

9 Q Was the defendant photographed at a number of the
10 surveillances that are in that group of boards?

11 A Yes, some of them, yes.

12 Q And in some of the boards is the defendant not pictured?

13 A Yes.

14 Q In those boards did you identify people you saw with the
15 defendant at other events?

16 A Yes.

17 MR. BURLINGAME: I'd move to admit Government's
18 Exhibits 250 to 261?

19 THE COURT: Admitted.

20 (So marked.)

21 Q If we could just -- if I could ask the investigator to
22 come off the stand and explain the boards.

23 If you could go through the boards one by one,
24 explain who is who, where the surveillance was, when it was.

25 A All right. You want me to explain the board?

1 Q Yes.

2 A This is a surveillance that was conducted down in Miami ,
3 Florida that I was part of from February 27th through
4 March 2nd, 1995, at the Doral Hotel .

5 Depicted in the first photo is Nicholas Corozzo and
6 Angelo Ruggiano. The second photo is Anthony Ruggiano, Robert
7 Engel , and Freddy Pierno. On the bottom left is Eileen
8 Cassata, Nicholas Corozzo, Michael Yaotti , Anthony Ruggiano.

9 On the bottom right is Anthony Ruggiano, Steven
10 Iaria, Ralph Davino, and Nicholas Corozzo.

11 Q That is Government Exhibit 250.

12 If you could move onto the next board?

13 A This surveillance was conducted January 11th and 12th,
14 1996. It was the wake of Rocco Corozzo. The first photo is
15 of Charles Carneglia. Second photo is of Joseph Mauro and
16 Thomas Cacciopoli. Bottom left is Joseph Panzarella Junior
17 and Charles Carneglia, and the last photo is of Charles
18 Carneglia.

19 Q Slow down a little for the court reporter. Let me adjust
20 this here. Go ahead.

21 A This surveillance was April 16th and 17, 1996 at the wake
22 of James Burke at Romanelli's Funeral Home. The first
23 photograph is of Joseph Panzarella, Junior, Kevin MacMahon and
24 Charles Carneglia.

25 Second photograph is James Perrone, Joseph

1 Panzarella Junior, Charles Carneglia, and Daniel Rizzo.

2 Third photograph is Anthony Ruggiano. Bottom left
3 is Charles Carneglia and Joseph Panzarella, Junior. Next
4 photograph is James Perrone and Peter Zuccaro. The last
5 photograph is of Peter Gotti.

6 Q Again, Investigator, if I could ask you to slow down a
7 little bit for the court reporter.

8 A Sure. This surveillance was conducted February 14, 1999,
9 the wedding of Alphonse Trucchio at Russo's on the Bay
10 Catering Hall, Cross Bay Boulevard and Howard Beach.

11 The first photograph is of Charles Carneglia and
12 Kevin MacMahon. Second photograph is of Peter Gotti and
13 Salvatore Scala.

14 The third photograph is of August Sclafani. Fourth
15 photograph is Joseph Panzarella, Junior, and the bottom right
16 is a photograph of Alfred DeCongilio and Dominick Pizzonia.

17 This is a surveillance conducted March 20th and
18 21st, 1999 at the wake of Alphonse Trucchio and Anthony
19 Ruggiano Senior.

20 The first photograph is of Charles Carneglia, second
21 one is of Thomas Cacciopoli, Charles Carneglia, and John
22 Cavallo.

23 The third photograph on the top is of John Cavallo
24 and Thomas Cacciopoli. The bottom, first photograph is of
25 Bartolomeo Vernace, John Colucciello, Thomas Cacciopoli, John

1 Cavallo and Charles Carneglia.

2 The bottom middle photograph is of August Sclafani,
3 and the bottom right is of Joseph Panzarella Junior.

4 Q I'll note for the record that that is Government
5 Exhibit --

6 THE COURT: Leave that, please. Thank you.

7 MR. BURLINGAME: I'll note for the record that is
8 Government Exhibit 25. I neglected to read the last two
9 exhibits. We have been going in order, 251, 252, 253 and 254.
10 This is 255.

11 A This surveillance was conducted August 12 and 13, 1999 at
12 the wake of James Faella, at Azara Funeral Home in Staten
13 Island.

14 First photograph is of John Cavallo and Charles
15 Carneglia. The seconds photograph is of Joseph Costa, Vincent
16 Parisi, Vincent Corrao, August Sclafani and Pasquale Marsala.
17 The bottom photograph is of Peter Gotti.

18 Q This is the summer of 1999?

19 A August 12th and 13th.

20 Q If you could give the jurors a second to look at it
21 before you take it down. Thank you.

22 A Sure.

23 THE COURT: All of this evidence will be available
24 to you when you deliberate so you can ask for any or all of
25 it. When you begin deliberations, I'll give you a list of all

1 of the exhibits and all the witnesses to help you and you'll
2 be able to call for any of the testimony to be read back in
3 court to assist you.

4 Since the case going to take a number of weeks, you
5 can also take notes yourself now as we go along. We have
6 provided pads and pencils and pens for you, and you can take
7 notes or not as you wish.

8 You needn't take notes if it will distract you, and
9 the fact that you take notes doesn't mean that your notes are
10 better than other people's memories.

11 All right. So you can pick them up when we next
12 break and bring them in if you wish.

13 BY MR. BURLINGAME:

14 Q Continue, please.

15 A This is a surveillance conducted January 3, 2000 at the wake
16 of Harriet Arcuri in Flushing, Queens.

17 The first photograph is of Thomas Carbonara, Michael
18 Di Leonardo, Louis Vallario, and Edward Garafola. The second
19 photograph is of August Sclafani.

20 Q That would be the Arcuri wake. That is Government
21 Exhibit 256.

22 A This is a surveillance conducted June 13, 14, and 15 of
23 2002. This is the wake of John Gotti, Senior at Papavero
24 Funeral Home in Maspeth, Queens.

25 The first photograph is John Cavallo, Joseph Manero

1 and Thomas Cacciopoli. The middle photograph is of Joseph
2 Panzarella Junior. Photograph on the right is of Vincent
3 Parisi and August Sclafani. The first photograph on the
4 bottom is Michael DiLeonardo, and the last photograph on the
5 bottom is of Peter Zuccaro.

6 Q Thank you. That was Government Exhibit 257.

7 A This is a surveillance conducted November 2nd, 2003 at
8 the wake of John Gurino Junior, at Romanelli's Funeral Home on
9 89th Street and Rockaway Boulevard.

10 First photograph is of Peter Zuccaro, Anthony
11 Gurino. Second photograph on the right is of Thomas
12 Cacciopoli and Joseph Manero. The bottom photograph is of
13 Peter Zuccaro and Angelo Sepe.

14 Q That was Government Exhibit 258. This is Government
15 Exhibit 259.

16 A Is a surveillance was conducted May 23rd and 24th of 2006
17 at the wake of Michael Agnello. The first photograph is of
18 Michael Roccaforte Junior and Alphonse Trucchio. The second
19 photograph is of John Ruggiero. The bottom photograph is of
20 Peter Gotti and Eric Trantel.

21 This surveillance was conducted January 27 at 28 of
22 2007 at the wake of Marianne Corozzo, Romanelli's Funeral
23 Home.

24 The first photograph is Thomas Cacciopoli and
25 Michael Roccaforte Junior. The second photograph is of

1 Alphonse Trucchio, Nicholas Corozzo, Michael Roccaforte
2 Senior, Anthony Corozzo and Vincent Dragonetti.

3 The last photograph on the top is of August
4 Sclafani, Vincent Parisi and John Giordano. The bottom row,
5 the first photograph is of John D'Amico and Frank Cali. The
6 photograph on the bottom right is of Joseph Corozzo and Neil
7 Alstatt.

8 These are photographs of a surveillance conducted
9 May 17, 2008 at the wake of Michael Roccaforte Senior. The
10 first photograph is of Joseph Giordano and John Cavallo.

11 The second photograph is Alphonse Trucchio, Michael
12 Roccaforte Junior, and Anthony Moscatello.

13 On the bottom, the first photograph is of Frank
14 Camuso, Louis Petrocelli, Louie Epifania. The bottom right
15 photograph is of Lorenzo Mannino and Joseph Lanni.

16 Q I want to clarify one thing. The boards that you just
17 talked about which didn't include the defendant's photograph,
18 those boards included an individual or individuals who were
19 pictured with the defendant in other boards?

20 A Not with --

21 Q Who were in the --

22 A Some of the people I identified were at different events
23 with the defendant, yes.

24 Q So, for example, in this board, who is somebody who you
25 surveilled with the defendant at another event?

1 A John Cavallo, Alphonse Trucchio, Michael Roccaforte.
2 Generally most of the people.

3 Q I just want to be clear on that point. Thank you.

4 For the record, the last two boards were
5 Government's Exhibits 260 and 261.

6 Investigator Carillo, we just placed another stack
7 of poster boards next to you that is labeled Government's
8 Exhibits 262 to 278. Can you take a second and flip through
9 those.

10 A Yes.

11 Q Have you seen those boards before?

12 A Yes.

13 Q And what are they?

14 A They are photographs of different surveillances conducted
15 at various locations.

16 Q And have you reviewed those boards?

17 A Yes.

18 Q Were you present when these photos were taken?

19 A No.

20 Q Did you do anything to the boards when you reviewed them
21 prior to trial?

22 A Yes.

23 Q What did you do?

24 A I identified the people that I knew in the photos and I
25 placed labels to identify them for the jury.

1 Q Are the identifications you made accurate?

2 A Yes. .

3 Q Was the defendant photographed in a number of the
4 pictures in this group of boards?

5 A Yes.

6 Q In certain of the boards is the defendant not pictured?

7 A Yes.

8 Q In those boards were you able to identify people who were
9 with the defendant at other events?

10 A Yes.

11 MR. BURLINGAME: Your Honor, at this time we move
12 for the admission of Government's Exhibits 262 to 278.

13 MR. FARBER: No objection.

14 THE COURT: Admitted.

15 (So marked.)

16 MR. BURLINGAME: Subject to connection. We'll have
17 the surveillance people come in.

18 Q I will ask you to identify who is who on the boards. If
19 you could run through the boards like you did last time.

20 A Now for these to identify the location or just the people
21 in them?

22 Q The locations will be subject to connection. If the
23 defense has an objection you can identify the people.

24 THE COURT: If he recognizes the location he can say
25 that.

1 A This is surveillance conducted at the wake of Salvatore
2 Ruggiero. The first photograph is of Tommy Cacciopoli,
3 Charles Carneglia and Joseph Manero.

4 The top center photograph is of Anthony Rampino,
5 Edward Laforte, Joseph Laforte, Iggie Alogna, and John Gotti
6 Senior, this photograph.

7 The third photograph, on the top is of Iggie Alogna,
8 George Remini, August Sclafani, and Joseph Testa.

9 On the bottom the first photograph is of George
10 Remini, August Sclafani, Salvatore Gravano, Joseph Corrao and
11 Vittorio Vic Amuso.

12 The center photograph is of James Dellaratta and
13 Charles Carneglia. And the bottom right photograph is of
14 Anthony Ruggiano, Dominick Pizzonia, and Anthony Rampino.

15 MR. FARBER: Is there a date on this?

16 MR. BURLINGAME: We don't have a date. It will come
17 in through the witnesses.

18 THE COURT: All right.

19 MR. BURLINGAME: That was Government Exhibit 262.
20 This is 263.

21 A This is surveillance of April 15th and 16, 1991 at the
22 wake of Bobby Borriello, the Raccuglia Funeral Home.

23 The first photograph is of Charles Carneglia and
24 Anthony Moscatiello. The second photograph is of Thomas
25 Cacciopoli, John Cavallo and Charles Carneglia.

1 This board depicts photographs of the surveillance
2 in April 1991 at the funeral of Bobby Boriello. The first
3 photograph is Michael Di Leonardo, John D'Amico, John Gotti
4 Junior, Charles Carneglia behind him and, Dominic Borghese.

5 Q Is that the defendant with the sunglasses?

6 A Sunglasses, right there. You can see him better in the
7 second photograph.

8 Second photograph is of Thomas Cacciopoli, Charles
9 Carneglia, Mikey Di Leonardo, John D'Amico, John Gotti Junior,
10 Dominick Borghese, Onofrio Modica, known as Mo Modica and
11 Steven Borriello is here.

12 This board depicts photographs taken May 9, 1991, at
13 the Bergin Hunt and Fish Club, social club in Ozone Park,
14 Queens. First photograph is of John Gotti Junior and Charles
15 Carneglia. The second photograph is of John Gotti Junior and
16 Robert Pellegrino. The bottom photograph is of Michael
17 Guerrieri and Joseph Corozzo.

18 This board depicts a surveillance on May 9, 1991 at
19 the Bergin Hunt and Fish Club. The first photograph is of
20 Joseph Corozzo, John Gotti Junior, Thomas Cacciopoli. The
21 second photograph is of Frank Radiace, Thomas Cacciopoli and
22 John Gotti Junior.

23 This board depicts photographs taken June 25 and 26
24 and 27, 1991 at the wake of Philip Rastelli. First photograph
25 is of John Gotti Junior and Charles Carneglia.

1 Q So that is the defendant in the white jacket?

2 A Yes.

3 Bottom photograph is of John Gotti Junior and
4 Charles Carneglia. The center photograph is of Nicholas
5 Martino, Robert Pelligrino, John Cavallo and John D'Amico.
6 The bottom right photograph is of Joseph Corozzo, Iggi e Alogna
7 and Peter Gotti.

8 Q This is Peter Gotti here on the end?

9 A Yes.

10 Q All right?

11 A This is a surveillance conducted June 27th and 28, 1992
12 of John Gotti.

13 Can I distinguish between the other John Gotti wake,
14 your Honor?

15 THE COURT: Sorry?

16 THE WITNESS: There are two John Gotti wakes, to
17 distinguish between the two.

18 THE COURT: Yes.

19 A The one done in 2002, I say John Gotti Senior, he was --
20 that was John Gotti Senior. This was his father, an elderly
21 gentleman. He was waked June 27th and 28, 1992. Then I'm
22 also identifying a John Gotti Junior, so there's three of
23 them.

24 The first photograph is of Robert Pellegri no. John
25 D'Amico and Michael Di Leonardo. The center photograph is of

1 Peter Zuccaro. The right photograph is of Louis Scida, Frank
2 Citriniti, and Nicholas Corozzo.

3 The middle row, the first photo is of Peter Gotti.
4 Photograph on the right is of Joseph Panzarella, Junior.
5 Bottom photographs are of Vincent Corrao and August Sclafani.

6 The center photograph is of Michael McLaughlin and
7 Thomas Cacciopoli. The last photograph is of John Gotti
8 Junior.

9 Q Again on these boards where the defendant doesn't appear,
10 this is where other people who are observed in surveillances
11 with the defendant are on these boards?

12 A Some of them were at the same events as the defendant.

13 Q Who would be some examples of people from this board?

14 A Peter Zuccaro, Nicholas Corozzo, Louis Scida, Tommy
15 Cacciopoli, August Sclafani.

16 Q Thank you. Does that go for John Gotti Junior, too?

17 A Yes.

18 MR. BURLINGAME: That was Government Exhibit 267,
19 and for the record we have been going sequentially.

20 A This is a surveillance conducted March 11, 1993 at the
21 wake of Ralph Scopo. The first photograph is of Charles
22 Carneglia. The second photograph is of John Cavallo.

23 Q That is the defendant in the black jacket smoking?

24 A Yes.

25 A This is a surveillance July 20, 1993 at the Bergin Hunt

1 and Fish Club. The first photograph seated leaning over is
2 Charles Carneglia. The second photograph is of William Victor
3 and Joseph Corozzo. The bottom left photo is of Peter Gotti.
4 The photograph on the right is of Thomas Cacciopoli.

5 Q Investigator Carillo, in some of these photographs the
6 individuals appear quite small in the photographs. Are you
7 positive about your identifications?

8 A Yes, 100 percent positive.

9 Q This is based on your experience of viewing thousands of
10 these type of photographs?

11 A And I've also sat in that exact location where these
12 photographs were taken. They come out the same way.

13 Q That was Government Exhibit 269.

14 A This board depicts photographs taken August 19, 1993, at
15 the Bergin Hunt and Fish Club.

16 Q That is the same club as the prior board?

17 A Yes.

18 First photograph is of Charles Carneglia and Richard
19 Ingardia. The second photograph is of Charles Carneglia.

20 Third photograph, the gentleman on the right Charles
21 Carneglia. That's also Richard Ingardia on the left, I
22 identified him in this photograph.

23 The bottom left is Joseph Corozzo. The center
24 photograph is of Joseph Corozzo, and the photograph on the
25 right on the bottom is of Charles Carneglia and Joseph

1 Corozzo.

2 Q Investigator, in these pictures, the photographs of the
3 defendant that you've identified except for this center one,
4 he had his back to the camera in the other ones. Are you
5 positive about those identifications?

6 A Yes.

7 Q How can you be sure?

8 A I reviewed numerous photographs of the defendant. I've
9 surveilled him on numerous occasions. I feel that the IDs are
10 correct.

11 Q And you have been conducting these surveillances since
12 1992?

13 A For the last 17 years, yes.

14 Q That was Government Exhibit 270.

15 A This board depicts photographs taken October 23rd and
16 fourth, 1993 at the wake of Joseph Scopo.

17 First photograph, the gentleman on crutches is Peter
18 Zuccaro. The second photograph is of Charles Carneglia. The
19 bottom photograph is of John Cavallo and Ralph Scopo Junior.

20 Q This is the same John Cavallo who appeared in numb of
21 these photos?

22 A Yes.

23 Q That was Government Exhibit 271.

24 A This board depicts photographs taken July 6, 1995 at the
25 wake of Paul Lombardozzi and Frank Lino's niece in Brooklyn.

1 The first photograph is of Michael Di Leonardo and
2 Frank Fappiano. The second photograph is of John D'Amico and
3 the bottom photograph is of Anthony Ciccone, Louis Vallerio
4 and Jerome Broncato.

5 Q That was Government Exhibit 272.

6 A This board depicts photos taken September 5, 1995 at the
7 wake of Joseph Gallo. First photograph is of Michael
8 Guerrieri, Anthony Ruggiano, Frank Barranca and Dominick
9 Pizzonia.

10 Second photograph is the same four individuals,
11 Anthony Ruggiano, Michael Guerrieri, Frank Barranca, Dominick
12 Pizzonia.

13 The bottom left is a photo of Joseph Franco,
14 Giuseppe Arcuri and Joseph Marino. And the bottom right
15 photograph is of Joseph Juliano, John Riccobono and George
16 DeCicco.

17 Q For example, the defendant is not in this picture but I
18 believe you testified earlier that Anthony Ruggiano, who
19 appears in this picture was with him at the Sal Ruggiero wake,
20 that black and white board that we started this second group
21 with?

22 A Yes.

23 This is surveillance taken July 2nd, 1996 at the
24 wake of Francis Ciccone in Brooklyn. First photograph is of
25 John Ambrosio, Charlie Carneglia, that is James O'Keefe even

1 though he's not labeled, Michael Guerrieri behind him, which
2 you can see better in the second photograph.

3 The second photograph is of Michael Guerrieri ,
4 Charles Carneglia, John Ambrosio. The third photograph is
5 John Ambrosio, Mike Guerrieri and Charles Carneglia.

6 The bottom is a photograph of John Cavallo and
7 Thomas Cacciopoli. The bottom center photograph is of Louis
8 Sciada, Nicholas Corozzo, and the bottom right photograph is of
9 August Sclafani.

10 Q So this is the defendant, same man right there, with the
11 silver suit in the top three photographs?

12 A Yes.

13 Q That was Government Exhibit 274 and the preceding one was
14 Government Exhibit 273.

15 A This is a photograph taken July 10, 1996, Long Beach,
16 Long Island, of Charles Carneglia and Leonard DiMaria.

17 This board depicts photos taken December 19, 1996 at
18 the various locations in Howard Beach and Ozone Park Queens.

19 The first photograph is of Louis Sciada and John
20 Cavallo. The center photograph on the top is of William
21 Victor, that's behind Louis Sciada and John Cavallo.

22 The top right photo is of Peter Gotti and Louis
23 Sciada. On the bottom left is a photograph of Peter Gotti.
24 The center is another photograph of Peter Gotti, and the right
25 is a third photo of Peter Gotti.

1 Q This is the same John Cavallo and Peter Gotti previously
2 on boards with the defendant?

3 A Yes.

4 This board depicts photographs taken December 23rd,
5 1996 at the Lindenwood Diner in Queens. The top left
6 photograph is of Louis Scida and Charles Carneglia.

7 Top right photograph is of Charles Carneglia. The
8 bottom left photograph is of Louis Scida and Thomas
9 Cacciopoli. The bottom right photograph is of Louis Scida and
10 Thomas Cacciopoli.

11 Q Again, this is the same Thomas Cacciopoli that has been
12 in a number of the prior boards at surveillances where the
13 defendant was present?

14 A Yes.

15 Q That was Government Exhibit 277. The prior was 276.

16 A This surveillance was conducted February 11th and 12,
17 1998 at the wake of Louis Epifania Senior, at Staten Island.
18 Top left photograph is of Charles Carneglia. Top right
19 photograph is of Thomas Cacciopoli. And the bottom photograph
20 is of August Sclafani and Vincent Sclafani.

21 (Continued next page)

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25

1 CONTINUED DIRECT EXAMINATION

2 BY MR. BURLINGAME:

3 Q Thank you. You can retake the stand. That was
4 Government Exhibit 278.

5 Investigator Carillo, I place next to you boxes
6 containing photographs depicting individuals labeled
7 Government Exhibits 2-A through 2-UUU. Have you viewed those
8 photographs prior to your testimony?

9 A Yes.

10 Q What are they?

11 A The photographs of different subjects, identified them
12 prior to coming here.

13 Q Have you reviewed those pictures?

14 A Yes.

15 Q Based on your years of investigative experience, can you
16 identify the people who are in those photographs?

17 A Yes.

18 Q Do those pictures fairly and accurately show the people
19 pictured?

20 A Yes.

21 MR. BURLINGAME: I would move to admit Government
22 Exhibit 2-A through 2-UUU.

23 THE COURT: Yes; admitted.

24 (So marked.)

25 Q Investigator Carillo, if you could grab the boxes, come

1 up to the board here?

2 (Pause.)

3 MR. BURLINGAME: I'm reading for the record to
4 submit Government Exhibit 2 where the shots would be placed.

5 THE COURT: You have two head shot boards?

6 MR. BURLINGAME: There are two head shot boards.
7 One is larger than the other. Thank you.

8 Q Investigator Carillo, I'll show you the photographs and
9 if you could identify the people, I'll put them on the board.
10 You recognize that individual?

11 A Yes, John D'Amico, also known as Jackie Nose.

12 Q You recognize that individual?

13 A Yes, Ignazio Alagna, also known as Iggy Alonga.

14 Q This?

15 A Thomas Cacciopoli, also known as Tommy Sneakers.

16 Q This?

17 A Joseph Corrao, also known as Joe Butch.

18 Nicholas Corozzo, also known as Little Nicky.

19 Joseph Corozzo, also known as JoJo.

20 Q I'm showing you Government Exhibit 2-E?

21 A John Cavallo, also known as Jackie.

22 Q Government Exhibit 2-D?

23 A Thomas Carbonarro, also known as Huck.

24 Q Government Exhibit 2-C-2?

25 A Charles Carneglia.

1 Q The defendant?

2 A Yes, an older photograph.

3 MR. BURLINGAME: For the record, the first ones I
4 put on board were Iggy Alonga, Government Exhibit 2-A. Thomas
5 Cacciopoli, 2-B. Thomas Carbonarro, Government Exhibit 2-D.
6 John Cavallo, Government Exhibit 2-E. Joseph Corozzo,
7 Government Exhibit 2-F. Nicholas Corozzo, government
8 Exhibit 2-G. Joseph Corrao, 2-H. John D'Amico, government
9 Exhibit 2-I.

10 Q This?

11 A Charles Carneglia.

12 Q The defendant?

13 A Yes.

14 MR. BURLINGAME: Government Exhibit 2-C-1.

15 Q I'm showing you Government Exhibit 2-BB-1?

16 A Peter Zuccaro, also known as Bud.

17 Q Government Exhibit 2-BB-2?

18 A Another photograph of Peter Zuccaro.

19 Q Government Exhibit 2-AA?

20 A August Sciafani, also known as Auggie, Little Gus.

21 Q Government Exhibit 2-Z?

22 A Louis Scida, also known as Brother.

23 Q Government Exhibit 2-Y?

24 A Salvatore Scala, also known as Fat Sal.

25 Q Government Exhibit 2-X?

- 1 A John Ruggiero, also known as Johnny Boy.
- 2 Q 2-W?
- 3 A Anthony Ruggiano, Junior.
- 4 Q 2-B?
- 5 A Dominick Pizzonia, also known as Skinny Dom.
- 6 Q Government Exhibit 2-I?
- 7 A Joseph Panzarella, Junior.
- 8 Q Government Exhibit 2-T?
- 9 A Kevin McMahon.
- 10 Q 2-S?
- 11 A Steven Iaria, also known as Stevie I.
- 12 Q Government Exhibit 2-R?
- 13 A Salvatore Gravano, also known as Sammy the Bull.
- 14 Q 2-Q?
- 15 A Peter Gotti.
- 16 Q Does he have a nickname?
- 17 A One Eye Pete.
- 18 Q This?
- 19 A John Gotti, Senior.
- 20 Q 2-O?
- 21 A John Gotti, Junior.
- 22 Q 2-N?
- 23 A Edward Garafola.
- 24 Q 2-M?
- 25 A Frank Fappiano, Frankie Fap.

- 1 Q 2-L?
- 2 A Robert Engel .
- 3 Q Thi s?
- 4 A Leonard Di Mari a.
- 5 MR. BURLINGAME: That' s Government Exhi bi t 2-K.
- 6 Q 2-J?
- 7 A Mi chael Di Leonardo, al so known as Scars.
- 8 Q 2-WW?
- 9 A Johnny Gammarano, al so known as Johnny G.
- 10 Q 2-XX?
- 11 A Eugene Gotti , al so known as Geni e.
- 12 Q 2-YY?
- 13 A Ri chard Gotti , Juni or.
- 14 Q 2-ZZ?
- 15 A Vi ncent Gotti .
- 16 Q 2-AAA?
- 17 A Anthony Guerri eri , al so known as Tony Lee.
- 18 Q 2-BBB?
- 19 A Frank Gui di ci .
- 20 Q 2-TTT?
- 21 A Edward Li no.
- 22 Q 2-RRR?
- 23 A Anthony Vinci ul o.
- 24 Q 2-DDD?
- 25 A Franky Locasci o, al so known as Franky Lock.

- 1 Q 2-EEE?
- 2 A Salvatore Locascio, also known as Tori.
- 3 Q 2-FFF?
- 4 A Joseph Lombardi.
- 5 Q 2-UUU?
- 6 A Steven Zuccaro.
- 7 Q 2-SSS?
- 8 A Joe Watts.
- 9 Q 2-TTT?
- 10 A Paul Zaccaria.
- 11 Q 2-QQQ?
- 12 A Ronald Trucchio, also known as Ronnie One Arm.
- 13 Q 2-000?
- 14 A Frank Russo.
- 15 Q Government Exhibit NNN?
- 16 A Angelo Ruggiero, Senior.
- 17 Q 2-LLL?
- 18 A Anthony Ruggiano, Senior, also known as Fat Andy.
- 19 Q 2-KKK?
- 20 A Alert Ruggiano.
- 21 Q 2-MMM?
- 22 A Angelo Ruggiero, Junior.
- 23 Q 2-GGG?
- 24 A Daniel Marino.
- 25 Q Government Exhibit 2-BBB?

1 A Carlo Gambino.

2 Q You testified earlier he's the one who the family is
3 named after?

4 A Yes.

5 Q 2-SS?

6 A Louis Di Bono.

7 Q I'm also going to show you Government Exhibit 30 same
8 picture in color?

9 A Yes.

10 MR. BURLINGAME: Move to admit Government
11 Exhibit 30.

12 THE COURT: Admitted.

13 (So marked.)

14 Q 2-RR?

15 A Aniello Dellacroce, also known as Mr. N E I L.

16 Q 2-PP?

17 A Vincent DeCongilio, also known as Vinny Hot.

18 Q 2-QQQ?

19 A Ronald DeConza.

20 Q 2-00?

21 A Vincent Corrao.

22 Q 2-NN?

23 A Domini co Cefalu, also known as Italian Dom.

24 Q 2-MM?

25 A Paul Castellano, also known as Big Paul.

- 1 Q 2-LL?
- 2 A John Carneglia.
- 3 Q Any relationship, familial?
- 4 A Yes, his brother.
- 5 Q 2-KK?
- 6 A Mark Caputo.
- 7 Q 2-II?
- 8 A John Burke.
- 9 Q 2-HH?
- 10 A Jerome Brancato, also known as Jerry.
- 11 Q 2-GG?
- 12 A Bobbie Borriello.
- 13 Q 2-FF?
- 14 A Carmelo Amato, also known as Carl.
- 15 Q 2-EE?
- 16 A John Alite.
- 17 Q 2-CC?
- 18 A Hunter Adams.
- 19 Q 2-DD?
- 20 A Carmine Agnello, Carmine the Bull.
- 21 Q 2-JJ?
- 22 A Joseph Cavalcante.
- 23 Q 2-UU?
- 24 A Frank Frigenti.
- 25 Q 2-TT?

1 A John Franzese, also known as Sonny.

2 Q 2-III?

3 A Sal Pecchio, also known as Sally Botz.

4 Q 2-JJJ?

5 A Michael Reiter.

6 Q Government Exhibit 2-TTT?

7 A Joseph Scopo, Junior.

8 MR. BURLINGAME: I have nothing further for the
9 defendant.

10 THE COURT: You wanted to move 2-1, 2-2, 2-A to
11 2-UUU and 30, don't you? You want to move these plus number
12 30v into evidence, correct?

13 MR. BURLINGAME: Correct.

14 THE COURT: Admitted.

15 (So marked.)

16 MR. BURLINGAME: I have nothing further for this
17 witness.

18 THE COURT: Cross?

19 MR. FARBER: Thank you, your Honor.

20 CROSS-EXAMINATION

21 BY MR. FARBER:

22 Q Good afternoon, sir.

23 A Good afternoon.

24 Q Fair to state you and I have never met?

25 A That's correct.

1 Q Prior to testifying here today, how many times have you
2 met with the prosecutor in this case?

3 A Half a dozen times -- five or six times.

4 Q You went over your testimony that you would be giving
5 here today?

6 A Yes.

7 Q It's fair to state you've met with many prosecutors over
8 the years that you've been testifying?

9 A Yes.

10 Q You said you testified in over 30 some odd cases?

11 A Between state and federal, yes.

12 Q Eighteen federal cases alone?

13 A Yes.

14 Q How many prosecutors have you met with over the years?

15 A Over 50 as far as particular trials, probably more as a
16 young cop on patrol.

17 Q Is it fair to state your testimony as relates to the
18 organized crime cases have been sort of similar?

19 A Somewhat similar, varies in different aspects.

20 Q Varies depending on what family is involved?

21 A What family is involved, what type of crimes, yes.

22 Q Otherwise your testimony as to the hierarchy, the norms,
23 the rules, so forth, that's all pretty rote?

24 A All pretty much the same.

25 Q You helped Mr. Burlingame along, explained to him what

1 happened?

2 A If needed. He had a pretty good hold on how it worked
3 himself.

4 Q The testimony that you gave regarding protocol, rules,
5 swearing in to become a member, all that, that's not from
6 personal knowledge on your part?

7 A Personal knowledge?

8 Q You were not present when someone was made?

9 A No.

10 Q You were not present in any of the social clubs when
11 things were discussed?

12 A No. Sometimes I would listen to eavesdropping.

13 Q You yourself otherwise were not present?

14 A No.

15 Q A lot of the information you gathered was from
16 cooperating witnesses?

17 A That's one of the ways, yes.

18 Q Fair to say that's a significant way that you gained your
19 information over time?

20 A One of the significant ways, yes.

21 Q The people who have become cooperators in the cases that
22 you have dealt with, these are the same people who originally
23 took an oath of loyalty for the mob?

24 A If they're made members, yes. Some of them are
25 associates, yes.

1 Q Even the associates when they were entering the life, so
2 to speak, they were taught that they were to be quiet, not to
3 discuss their criminal activities?

4 A That's correct.

5 Q In fact, they were indoctrinated into the concept that
6 law enforcement was the enemy?

7 A Those are your words, but they're told not to cooperate
8 with law enforcement.

9 Q They would try to avoid law enforcement, of no contact as
10 best as possible?

11 A Yes.

12 Q From your time in speaking with cooperating witnesses,
13 from the time of listening on eavesdropping, is it fair to
14 state these individuals would disparage law enforcement
15 verbally?

16 A Yes.

17 Q They would attack verbally both the prosecutor's office
18 as well as the FBI agents or agencies involved?

19 A It has happened. It varies. Some do, some don't.

20 Q At some point when these individuals decide to switch
21 sides, they reach out to the FBI, the U.S. Attorney's Office,
22 those who want to become cooperating witnesses?

23 A It happens all different ways, but sometimes, yes.

24 Q They would do that directly or through their attorneys?

25 A Usually through their attorneys, if they're under arrest

1 al ready.

2 Q As you indicated on direct examination, when they contact
3 you, they are not doing it for any altruistic reasons?

4 A No.

5 Q Didn't have a change of heart, didn't find religion,
6 doing it because they want to get out of trouble?

7 A Generally speaking, yes.

8 Q They realize they're facing a lot of time?

9 A Sometimes, yes.

10 Q Have you had situations where they're not facing any
11 time, they want to clear their heart, so to speak?

12 A No, I have had situations where people come in without
13 any charges over them.

14 Q We're talking about the cooperating witnesses now in jail
15 who have been arrested.

16 A Right. If you're asking me are they always under
17 indictment, no, that's not true. Sometimes they come in
18 before.

19 Q They're under investigation?

20 A They're always under investigation, as far as I'm
21 concerned, if they're part of a family.

22 Q You're familiar with the way criminal prosecutions move
23 in the court system?

24 A Somewhat, yes.

25 Q Are you familiar with the term "Rule 16 material"?

1 A If you explain it to me, probably.

2 Q The initial discovery that the government is required to
3 turn over to the defense?

4 A Yes.

5 Q Are you aware that that initial discovery includes
6 eavesdropping warrant applications, search warrant
7 applications, tape recorded conversations?

8 MR. BURLINGAME: Objection.

9 THE COURT: I don't understand what this witness'
10 view of these matters are.

11 MR. FARBER: There's a follow-up question.

12 THE COURT: Why don't you follow up?

13 Q This information is given to a defendant. He gets to
14 hear first hand the evidence against him. He gets to hear
15 whether he's been recorded committing a crime or he gets to
16 read a document that reveals the fact someone is cooperating
17 against him?

18 THE COURT: Don't answer that. In general, the
19 government is obligated by statutes and rules to turn over to
20 the defendant anything that might help the defendant prepare
21 the case or that might help the defendants attack the
22 credibility of the witness. Some of that will be referred to
23 during the course of the trial as 3500 material and some will
24 have other specific numbers. All the evidence that you hear
25 was legally obtained and you can assume the rules and statutes

1 were complied with before the trial commenced.

2 Proceed.

3 MR. FARBER: Thank you, your Honor.

4 Q When these individuals reach out to you through their
5 lawyer or in their own way, say they want to cooperate, they
6 have a fair idea of the evidence that's against them?

7 A Yes.

8 Q A proffer session is initially set up?

9 A Yes.

10 Q Explain to the jury what a proffer session is.

11 A A meeting with the defendant, he has a lawyer
12 representing him and the prosecutor, sometimes law enforcement
13 officers are there. The defendant starts to disclose
14 information he knows about crimes he committed or other
15 members of organized crime.

16 Q It's fair to state this is a lengthy process, more than
17 one proffer session?

18 A It can be, yes.

19 Q After each proffer session an attempt is made to try to
20 verify the information that was given by this particular
21 potential cooperating witness?

22 A Yes.

23 Q It's not always verifiable; is that correct?

24 A That's correct.

25 Q Is it also correct cooperators tend to change their

1 stories between proffer sessions?

2 A It happens sometimes.

3 Q They can be known to embellish stories?

4 A Well, usually what occurs is the more information comes
5 out each proffer session, a relationship develops.

6 Q In fact, they sometimes try to minimize their own role
7 initially?

8 A It varies from cooperator to cooperator.

9 Q Cooperators you have known have left out information to
10 try to protect someone else they know, failure to mention one
11 person's name who was present for a particular crime?

12 A That I've dealt with directly? No. I'm sure it's
13 happened, but not in my experience.

14 Q You're aware of it happening in other cases?

15 A On a couple of occasions, yes.

16 Q Just a couple?

17 A That I'm aware of, yes.

18 Q These proffer sessions, are they videotaped?

19 A No.

20 Q In fact, they're not tape recorded at all, correct?

21 A That's correct.

22 Q There's no stenographer as there is in the courtroom here
23 taking down what was said?

24 A That's correct.

25 Q No one is taking down verbatim notes?

1 A No, notes are taken, but not verbatim.

2 Q In fact, you're instructed to take down as little as
3 possible by the prosecutor; am I correct, because the notes
4 would be discoverable?

5 MR. BURLINGAME: Objection.

6 THE COURT: Only with respect to this case. I
7 don't want the general question asked.

8 Q With respect to this case, are you familiar with the
9 notes that were taken by the various agents who interviewed
10 the cooperating witnesses?

11 A The cooperators on this case, I wasn't present for the
12 initial proffers no, sir.

13 Q In your experience, when you have taken interviews,
14 proffer sessions, did you write down verbatim notes?

15 A No.

16 MR. BURLINGAME: Objection.

17 THE COURT: You may continue.

18 Q In fact, it's up to the individual agent in the room to
19 decide what, if anything, to write down?

20 A Sometimes the agent takes notes, sometimes the prosecutor
21 does.

22 Q But there's no rule that says how much has to be written
23 down?

24 THE COURT: Don't answer that.

25 Q Is it true or isn't it a fact that you tried not to write

1 down things which you think the witness is not telling the
2 truth about so as to not have it recorded that he holds a
3 different story than when he opened with what he had to say?

4 THE COURT: Do not answer that. Do not answer.
5 You can only question him about this case.

6 MR. FARBER: He testified on direct examination
7 regarding an overall process. I think it's fair
8 cross-examination. The government has opened the door.

9 THE COURT: He's testified about the conduct and
10 operations of a criminal gang he's described. He has not
11 testified on direct about the methods used by the prosecutors.

12 Q In the proffer sessions you have sat in --

13 THE COURT: Only with respect to this case, is that
14 your question?

15 Q You did not sit through anything in this particular case
16 or have you?

17 A I met with some of the cooperators, but not during the
18 initial stages of their proffer sessions.

19 Q At any point in time have you observed a situation where
20 the prosecutor has accused the cooperator of lying?

21 THE COURT: In this case.

22 A In this case, no. I haven't witnessed it. I wasn't
23 there.

24 Q Is it fair to state that in your opinion as a seasoned
25 investigator, that you have to take what a cooperator says

1 with a grain of salt?

2 THE COURT: No, don't answer that.

3 Q Have you ever experienced situations where you've learned
4 after the fact a cooperator has testified he had indeed
5 lied --

6 THE COURT: Don't answer that.

7 Q Do you know an individual by the name of Bruce Mao?

8 A Yes, I do.

9 Q Who is he?

10 A He was the former supervisor of the Gambino Squad of the
11 FBI.

12 Q He was well revered within the FBI?

13 A I wasn't part of the FBI. I don't know how they felt
14 about him.

15 Q Have you ever attended any meetings in which he gave
16 lectures?

17 A No.

18 THE COURT: Don't answer that.

19 Q Are you familiar with the expression using cooperators is
20 like taming a wolf, keep them out of your hand, they're still
21 wolves, you can't trust them?

22 MR. BURLINGAME: Objection.

23 THE COURT: Do not answer that. I instruct you,
24 ladies and gentlemen of the jury, it's not the question but
25 the question and the answer that I allow; is that clear? A

1 suggestion made by a question is not evidence.

2 Q One cooperator in this case is Peter Zuccaro, are you
3 familiar with him?

4 A Yes, I've conducted surveillances on him.

5 Q Sorry?

6 A Yes, I'm familiar with him.

7 Q Are you aware of the fact Peter Zuccaro prior to becoming
8 a cooperating witness in this case had once been a defense
9 witness in a prior proceeding?

10 A I know he's been arrested prior, yes.

11 Q Are you aware of the fact he had been a defense witness
12 in prior proceedings?

13 MR. BURLINGAME: Objection, relevance.

14 THE COURT: Is he going to testify?

15 MR. BURLINGAME: Most likely, Judge.

16 THE COURT: We'll hear it from him, not from this
17 hearsay.

18 Q Out of the following witnesses that are scheduled to
19 testify here, please tell me which one of these you've
20 actually interviewed. Johnny Alite?

21 A Yes, I have.

22 Q Kevin McMahon?

23 A No.

24 Q Peter Zuccaro?

25 A No.

- 1 Q Robert Engel ?
- 2 A Yes.
- 3 Q Kevin Bonner?
- 4 A No.
- 5 Q Michael Malone?
- 6 A No.
- 7 Q Pascual Andriano?
- 8 A No.
- 9 Q Anthony Ruggiano?
- 10 A Yes.
- 11 Q Joseph DeAngel o?
- 12 A Yes.
- 13 Q Michael Di Leonardo?
- 14 A Yes.
- 15 Q Vincent Rossetti ?
- 16 A Who?
- 17 Q Rossetti .
- 18 A No.
- 19 Q Guitano Fatato?
- 20 A No.
- 21 Q Frank Frapiano?
- 22 A Frank Frapiano, via telephone I may have.
- 23 Q Did you take notes from any of these?
- 24 A No.
- 25 Q Fair to state based on your knowledge of these

1 individuals through your investigation and association with
2 this case, that these individuals have done some very bad acts
3 of their own?

4 MR. BURLINGAME: Objection, no foundation he's had
5 any --

6 THE COURT: I'll permit that to come in when the
7 witnesses testify. The credibility of witnesses is an
8 important aspect of your work. I will describe when I charge
9 you how I suggest you determine credibility. The opinion of
10 this witness as to the credibility of another witness is of no
11 significance. Continue.

12 Q These individuals, however, you are aware are all facing
13 significant amounts of time?

14 THE COURT: Do not answer. We'll get that when the
15 witness testifies.

16 Q When the cooperators come into this courtroom to testify,
17 is it correct they will be working pursuant to their
18 cooperation agreement with the government?

19 THE COURT: Do not answer.

20 Q Do you know if the cooperators have been sentenced yet
21 that are going to be testifying?

22 THE COURT: Do not answer.

23 Q With respect to the mob life that you described, you
24 indicated, I believe on direct examination, that lying was a
25 part of the life?

1 A No, I didn't say that.

2 Q Is it correct to say that lying is part of the life?

3 A There are some members that become dishonest in time,
4 yes. They don't follow the rules, yes.

5 Q From your experience in surveillance and all these years
6 on organized crime task forces, so to speak, you've
7 encountered countless situations of members or associates
8 cheating, stealing, intimidating other individuals?

9 A That are part of Cosa Nostra?

10 Q Yes, among each other.

11 A To each other? Each person is different. Sure I've
12 encountered that, yes.

13 Q It's fair to say you've encountered it on many occasions,
14 not just a few?

15 A I didn't say a few. It varies from case to case, but I
16 have observed it and listened to it.

17 Q Your understanding of mob protocol, the mob life, again,
18 is that individuals in the life, whether it's an associate or
19 a member are taught to lie to law enforcement as necessary?

20 A They're not taught to lie. That's personal. They're
21 told they can't cooperate with them.

22 Q If an officer is coming up to them, saying "Tell me what
23 you saw," the routine would be "I didn't see it"?

24 A Is this why they're still on the street conducting
25 criminal activity.

1 Q We passed the cooperating part.

2 A Sure.

3 Q These same individuals from your experience will also
4 cheat on their taxes?

5 A That varies from case to case. I'm not a tax
6 investigator. I'm sure that happens.

7 Q Have you seen too many mobsters who have been filing
8 their tax returns on a regular basis, declaring the money they
9 got from crimes?

10 A No.

11 Q In fact, am I correct that if they're called to testify
12 before a grand jury, again, it is standard mob of protocol
13 that they should dodge as best as possible or otherwise lie if
14 they're called to testify before the grand jury?

15 A Yes.

16 Q If they are made or indoctrinated into the family, they
17 start by saying they don't know why they're there. That's the
18 beginning of the lie they're required to give?

19 A Yes, but I've also said they don't do that in certain
20 families anymore.

21 Q The Gambino family they do that?

22 A Over the last several years I'm not sure. Some of the
23 other families I verified.

24 Q In your experience with the individuals, again connected
25 to the mob, when they will routinely, when they're going to

1 whack it or the other terms used, another person, they will
2 lie to that person, lull them into a setting where this could
3 kill them?

4 A Sometimes that happens, yes.

5 Q They'll lie to people to steal their money?

6 A Sometimes, yes.

7 Q Of course, the biggest fallacy that's out there is the
8 selling of drugs. You indicated there is a rule that says no
9 person involved in the mob can sell drugs.

10 A That's correct.

11 Q In fact, the selling of drugs is rampant throughout the
12 organized crime worlds?

13 A It's prevalent, yes.

14 Q They all just lie to each other, say "Not me, I don't
15 sell drugs"?

16 A They don't all. Some of them do, yes.

17 Q You talked about something called a kick up, a tribute?

18 A Yes.

19 Q You talked about an associate being on record. An
20 associate is someone who is below a soldier?

21 A Not below. They're not part of the family.

22 Q But they choose to voluntarily become part or involved
23 with the family for their financial or other benefit?

24 A Not always voluntarily, no, but they are involved with
25 them.

1 Q There's a difference between someone who runs a private
2 business that's being shaken down and an individual doing
3 something illegal, ends up about this part of the organized
4 crime family?

5 A Well, sometimes you're running an illegal enterprise by
6 yourself and you're extorted. It's not voluntary always.
7 Sometimes it is, sometimes it's not.

8 Q It turns out to be beneficial to those people running the
9 illegal enterprise that they have on their own to be
10 associated with a crime family for protection?

11 A That's what they're led to believe if they're approached.
12 Sometimes, that always doesn't happen. Sometimes they end up
13 paying more in tribute or kick-up they're making. It goes
14 both ways.

15 Q When they are on record with a crime family, they go on
16 record, then they become part of that family?

17 A It's not part of the family. They're still outside, just
18 on record.

19 Q You're not a member.

20 A Right.

21 Q They're on record with that particular family.

22 A Right.

23 Q When they're doing their kick-up, that's for their
24 protection?

25 A Yes.

1 Q You talked about the fact there are severe penalties for
2 not obeying rules. In fact, you said there could be rules
3 regarding personal association, who dates with who, who can
4 associate with who, how you can introduce each other, correct?

5 A Yes.

6 Q There's also rules about personal appearance?

7 A Personal appearance? You have to explain.

8 Q For example, am I correct there's a general rule that one
9 should not have facial hair if you're part of the mob?

10 A It's a custom. It's not a rule.

11 Q It's a custom that has gone back how many years?

12 A It started in the early 1900s. They want to distinguish
13 themselves from the Moustache Petes, the original people who
14 came over, the Black Hand. It became a custom. I could name
15 several people in the mob that have facial hair.

16 Q There may be several, but is it a fact most don't?

17 A Most don't, but some do.

18 Q In fact, isn't it correct those who have chosen to grow
19 facial hair get disparaged by the other members of the family?

20 A No, there are some high ranking members of other families
21 with facial hair. They're certainly not disparaged.

22 Q High ranking members of the Gambino family with facial
23 hair?

24 A At this time, no.

25 Q Did John Gotti look kindly upon people wearing facial

1 hair?

2 A I don't know how he felt personally.

3 Q In all your years of investigating the Gambino crime
4 family, both with the New York City Police Department, the
5 Nassau County DA's office, the Southern District office,
6 anybody? Came up with an answer for that?

7 A With an answer, generally speaking, organized crime
8 frowns upon facial hair, but it's not a rule. If you have
9 enough clout, you have a certain type of personality, you're
10 not going to get thrown out of an organized crime family for
11 having facial hair. Any boss at any particular time could
12 tell the guy you better shave or else.

13 Q Is it also fair to say they don't tolerate certain
14 personal flaws such as someone who is an alcoholic or drug
15 abuser?

16 A They don't tolerate it? There are many that have that
17 distinction.

18 Q But the reason why they would not tolerate it is because
19 there's a fear those who are under the influence will either
20 have loose lips, the old expression, loose lips sink ships
21 comes into play, or they commit some acts which were not
22 authorized by the family?

23 A That would be -- you're speaking generally that anybody
24 who drinks would have a tendency to talk too much. I'm sure
25 that's the reason in Cosa Nostra, too. Many drink. There are

1 many alcoholics and drug addicts.

2 Q Isn't it a fact there have been many authorized hits
3 against other family associates or members because they were
4 abusing drugs and the higher-ups feared they were a danger to
5 the family?

6 A I'm sure that's happened, yes.

7 Q The penalties could be being beaten up to being killed,
8 something of that nature?

9 A As far as doing drugs or alcohol?

10 Q Or for violating the rules, any rule?

11 A A made member is not supposed to be touched, even by the
12 boss. They can kill you, but not lay their hands on you.
13 That would be a rule.

14 Q Is that a rule that's never broken?

15 A No, I'm sure it is, but that's the rule.

16 Q All these rules are fluid. There are exceptions to every
17 rule?

18 A I said that before. They manipulate the rules, the more
19 power you have, the more you use the rules for your benefit.

20 Q There's a general rule before you can kill somebody you
21 need permission from the bosses of the family?

22 A Yes.

23 Q That rule also has some flexibility, something called
24 sneak murders?

25 A Right. They keep the rule out there, but there are sneak

1 murders, yes.

2 Q Can you explain to the jury the term "sneak murder"?

3 A A sneak murder would be somebody not asking permission
4 from a superior or the boss of the family to kill somebody.
5 They'll do it on their own without permission.

6 Q Is it fair to state that someone who is an up and coming
7 member of the mob who really wants to become in with the
8 family, that if they do a sneak murder or otherwise violate
9 one of the major rules, they're ruining they're chances to get
10 in?

11 A If it's somebody that is an associate, there really isn't
12 a sneak murder. We could call it something else. A sneak
13 murder would be for a member, not going on record with the
14 murder, not getting permission. An associate on record would
15 probably have to do the same thing. An associate could never
16 harm a made member. That's out, but associates have killed
17 people without permission that nobody has frowned upon as long
18 as it doesn't affect that family.

19 Q Doesn't affect that family?

20 A Yes.

21 Q There's a general rule, am I correct, within the
22 organized crime worlds that we don't kill a cop or other law
23 enforcement agents?

24 A Yes, that's something they usually don't get themselves
25 involved in.

1 Q The reason they don't do that, because they would bring
2 immediate scrutiny by law enforcement on to the criminal
3 activities of the family?

4 A That's correct.

5 Q An up and coming member of the family, if they were to
6 kill someone in law enforcement, would be creating a major
7 problem for the family?

8 A It's all according. If he's an associate, he's just up
9 and coming, he might not even be that prominent that law
10 enforcement would come down on that family's activities. That
11 would occur if a made member killed somebody in law
12 enforcement more so which has happened and law enforcement has
13 gone out full-strong to put down the illegal activity of that
14 family.

15 Q You're saying to me the law enforcement is not interested
16 on the victim, only interested on the rank of the person who
17 killed the law enforcement agent?

18 A Not at all.

19 Q That's what you said, isn't it?

20 A Can I clarify?

21 Q Please.

22 A Basically what I'm saying is somebody may not even be
23 known by law enforcement as an associate of a particular
24 family, especially when they're first starting out. I know
25 who thousands of people are involved in that life, there's

1 always new people to identify. I'm stating in certain
2 situations, up and coming, if law enforcement doesn't even know
3 that person is hooked up with a particular family, what
4 scrutiny would law enforcement do? If we identified him as an
5 associate of that family, then that would happen; if that
6 clarifies it.

7 Q If that person was suspected or known to be part of the
8 family, then the scrutiny would have followed?

9 A Yes.

10 THE COURT: Are you turning to a new point? I'm
11 ready to break for lunch?

12 MR. FARBER: I could break at any point.

13 THE COURT: We'll break now. Be back, please, at
14 2:00 o'clock. Don't discuss the case.

15 (Jury leaves courtroom.)

16 THE COURT: Sit down, everybody.

17 Ladies and gentlemen in the audience, when the jury
18 is leaving the room, you're to remain in your seats. You're
19 only to get up and begin your conversations after the jury has
20 left the room; is that clear? I want silence in the courtroom
21 until the jury is out.

22 Now you can begin your conversations if you like.

23 MR. SHARKEY: 2:00 o'clock?

24 THE COURT: Yes, unless you have an objection or
25 motion you would like to make. (Luncheon recess.)

1 A F T E R N O O N S E S S I O N

2 (In open court; jury not present.)

3 MR. FARBER: Judge, before we bring in the jury, can
4 I show my client one of the exhibits? I just want to ask him
5 a question.

6 THE COURT: Yes.

7 (Pause.)

8 THE COURT: All right. Bring in the jury, please.

9 MR. BURLINGAME: Judge, two quick issues.

10 First, the next witness is a cooperating witness,
11 who is here with the assistance of the marshal's Witness
12 Security Program. I was wondering if the Court wanted to take
13 any steps. There are sketch artists in the audience. It
14 poses some security risk for them to be drawing pictures of
15 the witness.

16 THE COURT: There's nothing I can do about it. It's
17 a public hearing.

18 Bring in the jury.

19 MR. BURLINGAME: One final question. We got a
20 little mixed up in our recordkeeping. I wanted to clarify,
21 all the surveillance boards are now in evidence?

22 THE COURT: Correct.

23 MR. BURLINGAME: Thank you, your Honor.

24 (Jury present.)

25 THE COURT: All right. Sit down, please.

1 Proceed.

2 CROSS-EXAMINATION (Continued)

3 BY MR. FARBER:

4 Q Good afternoon.

5 A Good afternoon.

6 Q Prior to the luncheon break, you had introduced several
7 photographs or a lot of photographs into evidence. Some were
8 surveillance photographs, some were face shots?

9 With regard to the surveillance photographs, those
10 were surveillance photographs that had been taken over the
11 course of approximately seventeen years, you indicated.

12 A No. The ones -- I've been investigating organized crime
13 for the last seventeen. So, that's when I started doing
14 surveillance on organized-crime members.

15 Q When you started doing the surveillance seventeen years,
16 at the very beginning and throughout, how often would you go
17 out there and do surveillance?

18 A According to my assignment, sometimes every day,
19 sometimes a couple of times a week. It would vary.

20 Q How long would the average shift last to do surveillance?

21 A Anywhere from eight hours to twelve, fourteen, sixteen
22 hours.

23 Q And you had standard equipment when you went out there?

24 A It varied from assignment to assignment. As time went
25 on, we got better equipment.

1 Q At the very least, you had cameras?

2 A Sometimes. Sometimes not.

3 Q Video cameras?

4 A Not always, no.

5 Q Binoculars?

6 A Sometimes, yes.

7 Q And, of course, you had a notepad and pen?

8 A Always.

9 Q And you said you targeted, among other places, social
10 clubs?

11 A Yes.

12 Q Restaurants?

13 A Yes.

14 Q Bars?

15 A Sure.

16 Q And, of course, the wakes, funerals, weddings and so on?

17 A Sure.

18 Q So, these surveillances went on on a weekly basis?

19 A It would vary. Sometimes I was involved in cases where I
20 was the lead investigator. I would be out on surveillance
21 every day. It would vary from what I was doing at the time.

22 Q Do you know how many other officers were also doing
23 surveillance work at the same time you were?

24 A It was substantial, but I don't know how many, no.

25 Q And they were from various law enforcement agencies?

1 A Yes.

2 Q So, the FBI was conducting its own surveillance?

3 A Yes. There were times we did things together, but when I
4 was a New York City detective, there were times I didn't know
5 everything the FBI was doing, or the DA's offices or state
6 police.

7 Q There would be surveillances done by federal agencies,
8 state agencies, county agencies, city agencies?

9 A Sure.

10 Q And is it fair to say there were thousands upon thousands
11 of photos that were taken during these years?

12 A Yes.

13 Q And we had introduced into this trial approximately
14 thirty some-odd surveillance photos?

15 A That's correct.

16 Q And that's been cherrypicked over the number of years
17 that the surveillances you observed?

18 MR. BURLINGAME: Objection.

19 THE COURT: Reframe it.

20 Q The photographs that were first introduced, the
21 surveillance, those are ones you said you personally took?

22 A Either I was at the surveillance, or I took the
23 photographs, yes, the first batch.

24 Q Out of that thirty that went in, approximately twenty of
25 them or so had pictures of Mr. Carneglia in it?

1 A Yes.

2 Q Again, there were thousands of photos that had been taken
3 over the years?

4 A By myself and others, yes.

5 Q Of just surveillance in general?

6 A Sure.

7 Q And the photographs that were moved into evidence of
8 Mr. Carneglia spanned the years 1991 to 1998?

9 A I think so. There's photographs prior to that, yes.

10 Q No photographs after that?

11 A '91 to '98?

12 Q '91 to '98, in terms of the photographs that were moved
13 into evidence today.

14 A Photographs of Mr. Carneglia himself, or others?

15 Q The surveillance photographs.

16 A I mean, it would be about then, but I'm not 100 percent
17 sure. I would have to look at all the boards again, see the
18 last ones he's in.

19 Q There were no photographs that were moved into evidence
20 here of Mr. Carneglia committing any crimes; correct?

21 A No.

22 Q No surveillance cameras picking Mr. Carneglia up
23 committing a robbery or any other type of crime?

24 A Here today?

25 Q Here today.

1 A No, sir.

2 Q Now, the photo board that was moved into evidence today
3 of the little headshots --

4 A Yes.

5 Q -- in the end, I think there were approximately seventy
6 photographs, seventy-four, but some of those were duplicates
7 of people?

8 A Sounds about right.

9 Q How many members are there in organized crime that you
10 are aware of?

11 A In the five families in New York, 800 to 850 members.

12 Q Made members.

13 And how many associates.

14 A Thousands.

15 Q Thousands?

16 And just seventy photos were moved into evidence.

17 A Yes.

18 Q You indicated that there's only one way out once you
19 become a member of the mob?

20 A As far as the mob is concerned, yes.

21 Q As far as the mob is concerned?

22 A Yes.

23 Q Although someone may never be able officially cease to be
24 a member as far as the mob is concerned, isn't it a fact that
25 people can simply walk away from the mob?

1 A Well, your responsibility in the mob -- what do you mean,
2 relocate? Go to another area where they don't know you?

3 Q Relocate. Say, That's it, I'm not going to have anything
4 else to do with you guys?

5 A Most times that that has occurred -- and it has, people
6 have left town -- they choose not to be located and they are
7 basically hiding from the mob.

8 Q They are not always hiding; correct?

9 A You would have to give me -- sir, it's not coming right
10 to me when somebody has done that.

11 Q What about Little Charley Travella, moved Upstate
12 New York?

13 A That's right.

14 Q Or Mickey Cardillo, moved to Texas?

15 A That's exactly what I said, they relocated to avoid the
16 mob. They didn't necessarily know where they were.

17 Q They knew where they were, no one stopped them from
18 moving? I mean, I just told you one is in Texas and one is in
19 Upstate New York.

20 A We know Michael Cardillo is in Texas now, from prior
21 trials and investigations. We know where Charlie Travella is.
22 There were times that the mob themselves didn't know where
23 they were.

24 Q These people simply decided to leave?

25 A They relocated, yes, without the permission of the mob or

1 Cosa Nostra.

2 Q In order to have nothing to do with the mob, do you have
3 to leave the jurisdiction, or can you simply stay put?

4 A You can --

5 Q Or say, I don't want to be bothered with you guys
6 anymore, I'm out of here?

7 A You can stay put, but what would happen to you would be
8 questionable. I haven't seen a circumstance when that's
9 happened, when somebody says, I'm walking away from this life
10 and some sort of discipline hasn't been bestowed upon them.

11 Q You talk about people being shelved --

12 A Yes.

13 Q -- where the mob has basically decided they don't want
14 someone to have the status of a made member?

15 A Right.

16 Q And that can be for punishment; correct?

17 A Yes.

18 Q Or it can be that the mob just really wants to disown
19 themselves of this individual?

20 A It would be for punishment. That's what shelving is for.

21 Q Well, does the hierarchy over time change in the mob?

22 A Yes.

23 Q And do people fall in favor and out of favor?

24 A They can be put on the shelf, as I said prior. It's
25 temporary. It could be temporary.

1 Q It could be permanent, as well?

2 A Yes. But that's what the organized-crime family, Cosa
3 Nostra family, is doing to them.

4 Q Correct?

5 But then there are people, as they get older and
6 have either health issues or other responsibilities or for
7 whatever reason in their personal life, who decide they are
8 going to cease doing anything further.

9 A That's not true.

10 Q Not true?

11 A No. You have to be incapacitated. You would have to
12 show proof to the mob that you are ill, you can't come in when
13 they call you, you can't be involved earning money anymore.
14 You can't just say, I quit, and people are going to leave you
15 alone. Something has to happen, whether they shelve you or
16 something worse.

17 Q Is there a requirement someone stay active?

18 A The requirement is, when you join a family in Cosa
19 Nostra, that when you're called in by your superior, you have
20 to come. That means that you are in the life.

21 Q Correct. But if you are not called in, you don't have to
22 do anything?

23 A You would have to give me an example of who wouldn't call
24 in somebody that's in their crew.

25 Q What I am asking you is: If the family doesn't want to

1 call you in --

2 A If there's something that you did that they didn't want
3 you to have the powers of a made member, come to meetings,
4 operate, other than money, they would shelve you.

5 Q They would shelve you?

6 A Yes.

7 Q Or they would disown you, so to speak. You are still a
8 member --

9 A This is in black and white: It's either they shelve you
10 or they don't. That's it. That's the way their rules go.

11 Q That's the way they view it?

12 A Yes.

13 Q They could view it one way, the person who has distanced
14 himself can view it a different way?

15 A The examples you gave, people moving up and going to
16 Texas, that was without the permission of the mob. If they
17 don't have to the powers to get you in Texas, you have
18 accomplished what you have wanted.

19 Q No one can stay put, sort of give the "I don't care about
20 you" signal to the mob, but be defiant in different ways and
21 just say, You know what? I'm going to live my life, stay put,
22 leave me alone. Possible?

23 A Not without them shelving you.

24 Q Okay. Not without them shelving you?

25 A That's what would happen, sure.

1 MR. FARBER: Thank you. I have no further
2 questions.

3 MR. BURLINGAME: Very briefly, your Honor.

4 REDIRECT EXAMINATION

5 BY MR. BURLINGAME:

6 Q Investigator Carillo, if you were shelved, would you
7 typically be able to continue associating with high-ranking
8 members of organized crime?

9 A No. The point of being shelved, you are stripped of your
10 power to earn and meet with each other.

11 Q How are you stripped your life in organized crime?

12 A As an outcast.

13 Q You testified that killers are valuable to the family.
14 Do valuable members get away with more?

15 A Yes.

16 Q Would that apply to their rule against drug dealing?

17 A Yes.

18 Q What about drug use?

19 A Yes.

20 Q Alcohol abuse?

21 A Yes.

22 Q What about the custom against facial hair?

23 A Yes.

24 Q You testified the only way out of the mob is to die; is
25 that rule taken seriously?

1 A By Cosa Nostra themselves, very seriously.

2 Q You can't just grow a beard and get out of the mob?

3 A No. You can't quit.

4 MR. BURLINGAME: Nothing further, your Honor.

5 THE COURT: Thank you. That will be all, sir.

6 (Witness excused.)

7 THE COURT: Next witness.

8 MR. BURLINGAME: The government calls Michael

9 Di Leonardo.

10 M I C H A E L D I L E O N A R D O,

11 having been duly sworn, was examined and

12 testified as follows:

13 THE LAW CLERK: State your name and spell it.

14 THE WITNESS: Michael Di Leonardo,

15 D I, L E O N A R D O

16 MR. BURLINGAME: May I inquire, your Honor?

17 THE COURT: Yes.

18 DIRECT EXAMINATION

19 BY MR. BURLINGAME:

20 Q At any point in your life, have you had an affiliation
21 with organized crime?

22 A Yes.

23 Q What family?

24 A Gambino Family.

25 Q What position did you attain in the Gambino Family?

1 A Captain.

2 Q You were a made member of the Mafia?

3 A Yes.

4 Q Looking around the courtroom, do you see any made members
5 of the Gambino Family?

6 A Yes.

7 Q Who do you see?

8 A Charles Carneglia.

9 Q Can you identify him?

10 A Yes. The gentleman with the beige sweater.

11 MR. BURLINGAME: Identification of the defendant?

12 THE COURT: Yes.

13 Q What was his -- what is his position in the Gambino
14 Family?

15 A He was a soldier.

16 Q Was he a valuable member of the Gambino Family?

17 A Yes.

18 MR. FARBER: Objection.

19 THE COURT: I'll allow it.

20 Q Why?

21 A He was part of the inner circle. He was a guy who did
22 work, did murders.

23 Q What does it mean to be part of the inner circle?

24 A A group closest to the boss, who the boss picks out, who
25 is most loyal to him and can be called at any time to do work

1 or murder.

2 Q Are you aware of any murders he committed?

3 A Yes, sir.

4 MS. SHARKEY: Objection.

5 THE COURT: Yes. Don't use the word "murder." That
6 is to be decided by the jury.

7 Q Are you aware of any people he killed?

8 A Yes.

9 MS. SHARKEY: Objection.

10 THE COURT: Overruled.

11 Q How many?

12 A One.

13 Q Which one?

14 A Louis Di Bono.

15 Q Did you take an oath of silence in connection with
16 becoming a member of the Gambino Family?

17 A Yes.

18 Q What's that oath called?

19 A Omerta.

20 Q What did that oath of omerta prevent you from doing?

21 MS. SHARKEY: Objection to form.

22 THE COURT: I'll allow it.

23 A Talking about our rules and our secret society that we
24 had, talking to law enforcement and such. Anybody outside of
25 the Cosa Nostra, we didn't talk business with.

1 Q Have you violated that oath?

2 A Yes.

3 Q How?

4 A By sitting in this chair today.

5 Q When did you first begin cooperating with the government?

6 A November '02.

7 Q When did you become a made member of the Gambino Family?

8 A December 24, '88.

9 Q How old are you now?

10 A Fifty-three.

11 Q Are you married?

12 A Yes.

13 Q Is it your first marriage?

14 A No.

15 Q Why did your first marriage end?

16 A I had a child outside of wedlock.

17 Q What was the effect of that on your first wife?

18 A Devastating.

19 Q How many children do you have?

20 A Two.

21 Q Did you have one with your first wife?

22 A Yes, I did, Michael. He's twenty-two years old.

23 Q Do you and your current wife use the names you were given
24 at birth?

25 A No.

1 Q Why not?

2 A So we can't be tracked down by organized crime.

3 Q Who gave you the names you live by now?

4 A The Marshal s Servi ce.

5 Q When did the U.S. Marshal s Service give you those names?

6 A I believe it was July '05.

7 Q And was that part of your participation in the Witness
8 Security Program?

9 A Yes.

10 Q Are you still in the Witness Security Program?

11 A No.

12 Q Whose decision was it that you leave the program?

13 A The marshals and myself.

14 Q In a sentence or two, what happened?

15 A We were being moved around the country from state to
16 state, and my wife had enough of it and decided to sign out.

17 Q Where did you grow up?

18 A Bensonhurst, Brooklyn.

19 Q Who did you live with growing up?

20 A My parents, two brothers, and grandmother and grandfather
21 next door.

22 Q Are your brothers still alive?

23 A One is dead and one is alive.

24 Q How did your brother die?

25 A He was shot and killed.

1 Q Did you learn who killed him?

2 A Colombo family.

3 Q Did you retaliate?

4 A No.

5 Q Why not?

6 A I was ordered to by the boss and other members of the
7 Gambino Family not to.

8 Q How old were you when that took place?

9 A Twenty-six.

10 Q What was your position in the Gambino Family at the time?

11 A I was an associate.

12 Q Are you the first member of your family to be involved in
13 organized crime?

14 A No.

15 Q Who else?

16 A Grandfather, great grandfather.

17 Q Who was your grandfather's closest Mafia associate?

18 A Salvatore DeQuilla, who was the boss of the DeQuilla
19 Family at the time.

20 Q What was his title?

21 A They called him boss of bosses before the five families
22 were formed.

23 Q What was his relationship to your father?

24 A That was my father's godfather.

25 Q What did that mean the first boss of bosses?

1 A At that time before they broke up into different
2 families, there was one guy or one group who tried to run the
3 whole city at that time that was in the Mafia.

4 Q So, the ultimate boss of organized crime in New York at
5 that time was your father's godfather and your grandfather's
6 closest friend?

7 A Correct.

8 Q When your grandfather first became a made member of the
9 Mafia, what was organized crime called in the United States?

10 A The Americans called it the Black Hand.

11 Q Why was it called the Black Hand?

12 A When they used to extort people in those days, we would
13 literally put a black hand on the extortion victim's door or
14 window, something like that, signifying like a pay-or-die
15 situation.

16 Q Was your grandfather affiliated with any particular
17 organized crime family at the time of his death?

18 A Gambino Family.

19 Q Was there a wake for him following his death?

20 A Yes.

21 Q Were any order given within the Gambino Family concerning
22 his wake?

23 A Yes. Carlo Gambino was the boss at the time, and he had
24 sent out word that, All the members are supposed to attend my
25 grandfather's wake.

1 Q Did organized-crime figures attend his wake?

2 A Yes.

3 Q What is the administration of an organized crime family?

4 A That would be the boss, underboss and consigliere.

5 Q Did the Gambino Family administration attend your
6 grandfather's wake?

7 A Yes.

8 Q And you testified that the boss of the Gambino Family at
9 that time was Carlo Gambino?

10 A Correct.

11 Q I'm showing you what's in evidence as Government's
12 Exhibit 2-VV. Do you recognize that picture?

13 A Carlo Gambino.

14 MR. BURLINGAME: Judge, would it be all right if I
15 set up the chart to put up the headshot?

16 THE COURT: Yes.

17 MS. SHARKEY: Your Honor, may I move over?

18 THE COURT: You may.

19 Q How old were you at the time of your grandfather's death?

20 A Sixteen.

21 Q Did you know many of the organized-crime figures at his
22 wake?

23 A Yes.

24 Q How did you know them?

25 A I would see them at social clubs, come to my house,

1 grandfather's house, in the neighborhood.

2 Q Did your father have any relationship to organized crime?

3 A He was an associate.

4 Q Why didn't your father become a made man, given his
5 lineage?

6 A He had a very bad temper. My grandfather thought he
7 would get himself killed.

8 Q Did anybody seek to admit your father into the Gambino
9 Organized Crime Family?

10 A Carlo Gambino had asked my grandfather.

11 Q How old were you when you became aware of organized
12 crime?

13 A As soon as I could start walking, I was aware of what's
14 going on.

15 Q How did you become aware?

16 A I lived it on a daily basis. It was all around me.

17 Q What did you think of it?

18 A I was enamored with it.

19 Q When did you first begin interacting with gangsters?

20 A Like I said, from when I just started to walk, throughout
21 my whole life. I was a little kid.

22 Q What were some of the things you did with gangsters when
23 you were a little kid?

24 A My grandfather had fig trees in the yard and other fruits
25 and stuff. As I got older and could cross the street, I would

1 be told, Go to the club and give Pauline Zac and Jimmy Brown
2 some figs. It was a thrill to me, because I would go to the
3 club, I would get five dollars, a dollar here, two dollars
4 here, and hang out, watch the videos and whatever they were
5 doing.

6 Q You mentioned Paulie Zac and Jimmy Brown. Are those
7 members of organized crime?

8 A Yes.

9 Q Did gangsters come over to your house?

10 A Yes.

11 Q Why?

12 A My grandfather was an oldtimer, had a lot of friends, and
13 a lot of people came to seek advice with him. Also, at one
14 time when the police were bothering the social clubs, they had
15 asked my father to use the apartment upstairs from where I
16 lived, six rooms we had, and they had the card games at the
17 house, and there was many, many guys that came and played
18 cards upstairs.

19 Q Could you name some of the members who frequently stopped
20 by your house, and identify their positions in organized
21 crime?

22 A Yes.

23 Paulie Zac; he had the game.

24 Jimmy Brown was a captain.

25 Tony Aurillio. Mario Traina.

1 Joe Colombo, he was the boss of the Colombo Family.
2 Many, many people.

3 Q Carlo Gambino come by your house?

4 A Yes. Not to my house. He would stop by early on to see
5 my grandfather.

6 Q How many organized-crime families are there in New York?

7 A Five.

8 Q And your testimony is that the bosses of two of the five
9 families would stop by your house when you were a kid?

10 A Yes.

11 Q What are the five families?

12 A Genovese, Luchese, Bonanno, Colombo and the Gambino
13 Family.

14 Q Are the five families all part of one larger
15 organization?

16 A Yes. It is called Cosa Nostra.

17 Q What does that mean?

18 A "This thing of ours" or "Our thing."

19 Q What is Cosa Nostra?

20 A It's the Mafia.

21 Q As a kid, what did you want to be when you grew up?

22 A Captain.

23 Q Captain in the Army?

24 A No. Captain in the Mafia.

25 Q Why?

1 A I loved it. It's something I aspired to be from a kid,
2 whatever I seen around me growing up. I idolized all those
3 people. I respected them and I wanted to emulate them.

4 Q You mentioned Paulie Zaccaria earlier. Who is he?

5 A Paulie Zac was my mentor. His father and my grandfather
6 went back to the turn of the century as friends. Later on, I
7 got very, very close with Paul.

8 Q What was his position in the Gambino Family?

9 A He was a soldier.

10 Q I'm showing you what's in evidence as Government's
11 Exhibit 2-TTT. Can you identify that person?

12 A Paulie Zac.

13 Q You said he was a soldier?

14 A Correct.

15 Q When did you meet Paulie Zac?

16 A When I was first able to understand who somebody was. He
17 was in my house as a kid.

18 (Continued on next page.)

19

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25

1 BY MR. BURLINGAME:

2 Q How would you best describe your relationship to him?

3 A Father, son.

4 Q Were you closer to him than your own father?

5 A Yes, I spent more time with Paul.

6 Q Why is that?

7 A My father was into sports, he bet horses and was very
8 rarely home. Paulie I seen all the time. We had a lot of
9 common ground together. Again, like I said, I looked up to
10 Paul.

11 Q When you were a kid, did you commit knit crimes for
12 Paulie Zaccaria?

13 A Assaults, vandalism, things like that, gambling.

14 Q Can you give me an instance of the kind of crimes that
15 you would commit at his direction?

16 A Yeah, if he was mad at somebody. Let's say they owned a
17 beauty salon or something, he would tell me, Michael, go break
18 that guy's windows. Then and I would go break the guy's
19 windows.

20 Or if he had a beef with a guy, he would say, Come
21 on Michael, take a ride, and if I give you a signal knock him
22 out.

23 Q How old were you when you started committing crimes for
24 Paulie Zac.

25 A Probably around 16, 17.

1 Q Had you committed any crime prior to that age?

2 A Yes.

3 Q What sorts?

4 A Vandalism, gang fights, small robberies. I was in a gang
5 so we did all gang type stuff.

6 Q When you were a kid did you have a nickname?

7 A Yes.

8 Q What was it?

9 A Mikey Scars.

10 Q How did you get it?

11 A I was mauled by a dog on my face.

12 Q Did the nickname stick?

13 A Yes.

14 Q Do you like it?

15 A Never.

16 Q Do people call you that name as an adult?

17 A They referred to me by it, but they never used it to my
18 face 'cause I didn't like it. They respected what I liked, to
19 be called Michael.

20 Q Are nicknames common in organized crime?

21 A Yes.

22 Q Why is that?

23 A Sometimes it fits the character. Sometimes it's a goofy
24 name to fit on a character, or sometimes we use it to
25 identify -- maybe there's multiple Tony's or something like

1 that.

2 Or we don't refer by last names, so sometimes you
3 attach a name to a guy just in case there is any listening
4 devices or things like that.

5 Q Do organized crime members speak a certain way out of
6 fear of being recorded?

7 A Yes.

8 Q How?

9 A Sometimes if you're inside, in incomplete sentences, hand
10 signals. Like you got that, money, without saying it in a
11 club or wherever you are.

12 Q For the record, making a gesture --

13 A Of money.

14 Q Of money.

15 Did you graduate from high school?

16 A Yes.

17 Q Which one?

18 A New Utrecht in Brooklyn.

19 Q Did you go to college?

20 A Kingsborough Community in Brooklyn.

21 Q In your late teens and early 20s did you work?

22 A Yes.

23 Q What did you do?

24 A I had a legitimate job with Local 23 which I got from
25 Frank DeCicco. Also I worked in Las Vegas night card games.

1 I worked down the pier for a little while in Jersey. I got
2 that through Tommy Bilotti.

3 Q What was your job with Local 23?

4 A I was a laborer.

5 Q How did you get that job?

6 A Frank DeCicco.

7 Q Who was he?

8 A He wound up being the underboss of the Gambino family.

9 Q Could you have gotten the job without your Gambino family
10 ties?

11 A No.

12 Q Did you have to work at the job?

13 A Yeah, I worked.

14 Q You said you also worked on the piers. What did you do?

15 A I was a warehouseman.

16 Q How did you get the job?

17 A Tommy Bilotti.

18 Q Who is he?

19 A He was an underboss also at one time in the family.

20 Q Did you have to actually work at that job?

21 A Yes, I did.

22 Q Would you have gotten that job without Gambino family
23 ties?

24 A No.

25 Q You also said you worked at a Vegas night casinos at this

1 time in your life. What are those?

2 A These would be crap games, blackjack games, card games
3 that were they would in different places such as churches,
4 shuls, buildings, storefronts, stuff like that.

5 Q What is a shul?

6 A A Jewish church.

7 Q What did you do at these Vegas nights?

8 A I was in charge of security because I knew just about
9 most of the people that would come there, and I tried to
10 identify law enforcement and not let them in if it was law
11 enforcement.

12 Q Were you ever arrested for your work with casino nights?

13 A Yes.

14 Q How old were you when you were arrested for that?

15 A Probably my early twenties.

16 Q That was your first arrest?

17 A Yes.

18 Q Did there come a time when you became an official Gambino
19 family associate?

20 A Yes.

21 Q Around when was that?

22 A Mid to late seventies.

23 Q What does it mean to be an official Gambino family
24 associate?

25 A I was officially put on record by Paulie Zac with the

1 Gambino family. My name was submitted to the captain of the
2 crew at that time, which was Leo Garafola and then passed up
3 to the boss, who was Paul Castellano at the time.

4 Q What does that mean to be on record?

5 A I am property of the Gambino family and obligated that
6 anything I do in the street money wise, or go into business or
7 anything, to report it to my soldier at the time, which was
8 Paulie.

9 Q Did you get anything back in return when you're on
10 record?

11 A Well, yeah, protection of the family from other members
12 of Cosa Nostra, that they can't bother you now because now
13 they know that you're part of the Gambino family. So it's
14 like an umbrella you have.

15 Q What were your responsibilities as an associate?

16 A Any monies or any activity that I would do I would have
17 to report it to Paulie Zac, pick up some monies, if I earned
18 monies in the street and, again, get permission to do things.

19 Q What it that mean to kick up money?

20 A Give money, part of my earnings.

21 Q What terms do people in organized crime use to describe
22 the relationship between an associate and a member?

23 A He's with, he's with him, he's around him, he's under
24 him. Things like that.

25 Q When you became an associate on record, were you placed

1 on record with any particular made man?

2 A Paulie Zac.

3 Q And you said this was your early twenties?

4 A Late teens, early 20s.

5 Q At that time were you well-known within the Gambino
6 family?

7 A In Brooklyn, yeah, I was, yeah.

8 Q How was that?

9 A Like I said, just growing up around everybody. My
10 neighborhood was organized crime. Bensonhurst, Brooklyn, you
11 couldn't get more organized crime than Bensonhurst.

12 Q Did you want to become a Gambino family associate?

13 A Like I said earlier, I aspired to do that.

14 Q And why would you -- I think you said you aspired to
15 become a captain. Why would you aspire to be an associate if
16 you wanted to be a captain?

17 A You have to go through the first step, you're an
18 associate and then make it into -- get inducted as a soldier
19 and then higher up.

20 Q You have to prove yourself as an associate before you can
21 move on?

22 A Absolutely.

23 MS. SHARKEY: Objection. Leading.

24 THE COURT: I will allow it.

25 A Absolutely.

1 Q Prior to the time you became an official on record
2 associate, had you been committing crimes?

3 A Yes.

4 Q What kinds?

5 A I was shylocking on my own a little bit, bookmaking, some
6 robberies and things like that.

7 Q What is shylocking?

8 A Loan-sharking, lending money out and getting interest
9 payments every week.

10 Q You were lending money out at the same rate as banks?

11 A No, slightly higher.

12 Q What is bookmaking?

13 A Taking action on sports. Some man wanted to make a bet,
14 they would come to me, I would take the bet and if they won I
15 pay them out, and if they lose they would have to pay me.

16 Q You testified you became a made member of the Gambino
17 family. When did that take place?

18 A December 24th, '88.

19 Q Were you on record with Paulie Zac the entire time you
20 were an associate?

21 A Yes.

22 Q In the organized crime world what does the term
23 "Christmas money" mean?

24 A That's a gift to the administration. It depends who you
25 are at the time, where you give a gift. If you're an

1 associate you usually give it to a soldier; if you're a
2 soldier you give it to maybe your captain or maybe your boss.
3 If you're a captain you give it to your boss. It's a gift.

4 Q While you were an associate, did you pay anyone Christmas
5 money?

6 A Sure.

7 Q Who?

8 A I gave Paulie Zac gifts, Jackie D'Amico when he became a
9 captain gifts, and John Gotti when he was the boss, as an
10 associate.

11 Q Was it important to pay this money?

12 A Yes.

13 Q In the organization crime world what does it mean to kick
14 up money?

15 A Give money up the ladder. Like I said, if you're an
16 associate, to a soldier, a soldier if it was a big enough
17 score or something to do with the street entirely, they would
18 give it to the captain and it would go to the boss.

19 Q When you say something having to do with the street, what
20 do you mean by street?

21 A Street action, illegitimate stuff -- even legitimate
22 stuff. You own a business, you cut the administration of the
23 family in on it. Sometimes you get a piece in.

24 Q During the period you were under Paulie Zac did you kick
25 up money to him?

1 A Sure, yes.

2 Q What were the different crimes you did to make money
3 during the ten years you were an associate under Paulie Zac?

4 A Loan-sharking, bookmaking, some extortions, conspiracy to
5 murder, murder.

6 Q Did you also make money in any legitimate or quasi
7 legitimate ways?

8 A Yes. I worked in Local 23, like I said, and later on for
9 Local 282, the Teamsters, Teamsters Local.

10 Q Did you make much money loan-sharking?

11 A Yeah.

12 Q During that ten-year span what would be a good week in
13 loan-sharking for you?

14 A A couple of thousand, maybe more.

15 Q Did you ever have to use violation to collect a debt?

16 A Violence was alleged implied. They knew -- customers
17 knew if they took the money what the consequences could be
18 besides being yelled at initially, that they could get hurt.

19 Q Did you make threats?

20 A At times I had to yell at people.

21 Q Were those threats taken seriously?

22 A Yes.

23 Q Why?

24 A We were in a very serious business and if you're not
25 taken serious by a shylock customer how is anybody else going

1 to take you serious?

2 Q Is it valuable to have a reputation for violence in
3 organized crime?

4 A That's what organized crime is, it's a business about
5 money and violence.

6 Q Where did the money come from that you lent out?

7 A My job initially when I started working, I would put some
8 money together, loan it out. Then later on, Paulie Zac given
9 me \$10,000, he gave to it me for one percentage point a week,
10 a hundred dollars a week. I would give to him. And I would
11 shylock the rest of the money out.

12 Q How much money would you have lent out to people at any
13 given time?

14 A As an associate?

15 Q Yes.

16 A Could be between 30, 40, 50,000. The money was in and
17 out. It wasn't constant at one level. People would pay you
18 back.

19 Q You said you also ran a social club. What is a social
20 club?

21 A Social club is a place that people would gather, home
22 base, let's say, for a soldier, an associate or a captain, or
23 even a boss; where people who know you would hang out, come to
24 find you and they could do business with you, and just hang
25 out.

1 Q Are social clubs private?

2 A They are not open to the public. They are just open to
3 people that you know in Cosa Nostra, or associates.

4 Q Do many members of organized crime have social clubs?

5 A Yes.

6 Q How many social clubs did you have?

7 A Two.

8 Q Where were they?

9 A In Brooklyn. One was on Bay 7th and 86th Street. The
10 other one was on 75th Street and Utrecht Avenue.

11 Q Did you need permission to open up your social club?

12 A Yes.

13 Q Who did you get it from?

14 A Paulie Zac.

15 Q Did he have to get permission from anyone?

16 A Mr. Lillo who was the captain of the crew at the time,
17 and then Lillo would go to the boss and say that I was going
18 to open up a club and if it was okay.

19 Q And who was the boss at the time that Lillo would have
20 had to get permission from?

21 A Paul Castellano.

22 Q I'm showing you what is in evidence as Government
23 Exhibit 2 MM. Who is that?

24 A Paul Castellano.

25 Q How did you make money from your social clubs?

1 A I ran my bookmaking operation out of there, shylock
2 business, I had a bar, I had very big card game.

3 Q How much money would be gambled in your club on a given
4 night?

5 A When the game was strong, I bet you it was a hundred
6 thousand or better could be in people's pockets that night.

7 Q How would that make money for you?

8 A Well, when they were playing cards, every pot, every hand
9 that's played there's a percentage of the pot taken out that
10 goes to the house, which I was the house.

11 So we would have dealers in the game and they would
12 work the game, they would get tips and stuff and we would take
13 a cut out of each pot and we would play for sometimes two
14 days.

15 Q Were your social clubs popular?

16 A Yes.

17 Q Did many members of the Gambino family frequent your
18 clubs?

19 A Yes.

20 Q Did others in the Gambino family conduct Gambino family
21 business in your social club?

22 A Yes. Like I said, the social clubs are gathering places
23 and at the time there was other guys with high profile clubs
24 and they would come by me at times, meet there and then go for
25 walk-talks, hang around, drink, because it was maybe under the

1 radar at the time.

2 Q You said walk-talk. What is a walk-talk?

3 A Go outside and talk. Usually nobody talks inside a club,
4 it happens, but most of the time they talk about something
5 serious they go outside and walk and talk.

6 Q When you say serious, what do you mean?

7 A Whatever serious business, it could be about a murder, it
8 could be about anything, anything that involves a crime.

9 Q Gambino family business?

10 A Or other business that they were doing.

11 Q Where are some of the other places that organized crime
12 members avoid talking?

13 A In cars, in -- sometimes in restaurants if they frequent
14 them a lot. You try to avoid anything indoors and try to keep
15 it outside, mostly.

16 Q While you were running the social clubs as an associate,
17 how much money were they generating for you every week?

18 A On a good week I could win, I don't know, between my
19 shylock and bookmaking and the game, I could make 10, 15,
20 \$20,000 a week.

21 Q How much of that would come from the social clubs?

22 A That would be all, part and parcel. I ran everything out
23 of there at that time.

24 Q You said you participated in bookmaking as an associate.
25 How much did you make from bookmaking in a good week?

1 A Like I said, it varies. If people lost I made more money
2 but I couldn't -- maybe 10,000, 15,000. It depends. You
3 could lose too.

4 Q You also testified you had a job with the Teamsters.
5 What are the Teamsters?

6 A The local I belonged to was Local 282. It was a trucking
7 outfit.

8 Q And what was your position with Local 282?

9 A I was a Teamster foreman. My job was to stay on
10 high-rise construction jobs in Manhattan and count the trucks
11 that came in for the Gambino family, give a count -- and give
12 a count to Sammy Gravano of what was going on on the job.

13 Q Who was Sammy Gravano?

14 A He became the underboss of the Gambino family.

15 Q How did you get the foreman job?

16 A Gravano.

17 Q Did you know how to drive a truck?

18 A No.

19 Q Do you know anything about trucking?

20 A I don't have a truck license.

21 Q When you were working as a foreman for the Teamsters, who
22 were you really working for?

23 A The Gambino family.

24 Q Who were you making money for?

25 A Myself and the Gambino family.

1 Q Was the Teamsters job valuable to you?

2 A Oh, yes.

3 Q Why?

4 A I had benefits, annuities. I got a big salary, a
5 thousand a week and up, and it was a cover for any law
6 enforcement that I could show I earned a living. It was a
7 great job. I didn't have to work. I used to go in shorts.

8 Q In addition to these money making crimes, during the ten
9 years you were a Gambino family associate, were you ever asked
10 to participate in a murder?

11 A Yes.

12 Q Tell us about the first time you were asked to
13 participate a murder.

14 A Paulie Zac came to me and he says go see Louie Melito,
15 who was a soldier in the family. He was part of the inner
16 circle, a guy that did work.

17 Q You say guy who did work. What do you mean?

18 A Murders.

19 Q Sorry, continue.

20 A I went to go see Louie and he says, We're going out to
21 Staten Island. We're going to put you on a piece of work.

22 So we went out to Staten Island and it was Melito,
23 myself, Gravano, Joe watts, and Tommy Bilotti. After some
24 small talk at the bar, Bilotti taps me on the shoulder, we
25 walk into a vestibule and he says, Do you know why you're

1 here? So he looks at my eyes and I says yeah. He says why?
2 I say do a piece of work. He looked at me. He says, let's go
3 back in. We went back in. Some small talk, we all left. And
4 that was the end of that.

5 Q You never had to commit the murder?

6 A No.

7 Q Do you know why they asked you in?

8 A I think it was a test. They wanted to look in any eyes
9 to see if I was ready to do it.

10 Q When you say piece of work, that means a murder?

11 A Yes.

12 Q I'm showing you Government Exhibit 2 SSS. Can you
13 identify that person?

14 A Joe Watts.

15 Q What was the highest position he attained in the Gambino
16 family?

17 A Joe Watts was an associate. He couldn't get straightened
18 out. His father was German, I believe.

19 Q Who is that? This is Government Exhibit 2 R.

20 A Gravano.

21 Q Sammy Gravano who you were just talking about?

22 A Right.

23 Q What was the highest position he attained in the Gambino
24 family?

25 A Underboss.

1 Q Did Sammy Gravano have a nickname?

2 A Sammy Bull.

3 Q You testified Joe Watts was an associate in the family.
4 Was he a powerful figure within the Gambino family?

5 A Oh, yeah.

6 Q How is that if he wasn't a made man?

7 A Joe watts was always close to the administration of
8 families. Joe watts was a very bigger earner and a killer.

9 MS. SHARKEY: Could you ask the witness to keep his
10 voice up.

11 Q Can you tell us about the next murder you were asked to
12 commit.

13 A Yes. Same situation. Paulie Zac came to see me, says go
14 see Melito. I went to see Melito and he said that Gravano had
15 a beef with a guy, an argument, and Gravano went to the boss,
16 who was Paul Castellano at the time, and asked for permission
17 to have this guy killed.

18 They said they were going to put me on this piece of
19 work. After that, I was told to meet him at a designated spot
20 where my role was going to be drive a diversionary car.

21 They were going to kill this guy in a bar in
22 Brooklyn, called Doc's Bar, put him in the trunk, drive him to
23 a designated spot, park the car, get out. And my role was to
24 follow the car with the body in it and create a diversion if
25 any cops or civilians tried to get in the way, if they seen

1 something, like to crash into them or cut them off so the guys
2 wouldn't get caught with a body in the trunk of the car.

3 Q Did this murder take place?

4 A Yes, it did.

5 Q Do you know Jack's last name?

6 A No.

7 Q The victim's name was Jack, correct?

8 A That's correct.

9 Q Had you ever met Jack before?

10 A No.

11 Q Why did you take part in his murder?

12 A I was ordered to.

13 Q During the time you were an associate under Paulie Zac,
14 how often would you see him?

15 A Almost daily.

16 Q How often would you give him money?

17 A Weekly.

18 Q If you know, how frequently did Paulie Zac meets with his
19 captain, Lillo Garafola?

20 A At least once a week.

21 Q Aside from Paulie Zac who else was in Lillo's crew?

22 A Jackie D'Amico, Joe Cusamano, Jerry D'Quilla, Nick
23 Martino, Lou Salica, Mickie Boy Paradiso, Angelo Philimilly,
24 and a couple of old-timers that passed away.

25 Q I'm showing you Government Exhibit 21. Who is that?

1 A Jack D'Amico.

2 Q What was the highest position he obtained in the Gambino
3 family?

4 A A captain on the committee.

5 Q When you say on the committee, what does that mean?

6 A There was a committee put in place at one time when the
7 administration was arrested, and he was part of the committee.

8 Q That ruled the family?

9 A Yeah, that ran the street business.

10 Q During the time you were an associate did you ever see
11 the boss of the family?

12 A Yes, sure. Paul, yes. And John.

13 Q What happened to Paul Castellano?

14 A He was shot and killed.

15 Q Do you know why he was killed?

16 A Yeah, power play.

17 Q Who was responsible for the power play?

18 A John Gotti, Frank DeCicco and others.

19 Q Was he with anyone when he was killed?

20 A Tommy Bilotti, who was a new underboss.

21 Q What happened to Tommy Bilotti?

22 A He was shot dead also.

23 Q Who was responsible for arranging the murder of Paul
24 Castellano and Tommy Bilotti?

25 MS. SHARKEY: Objection. No foundation as to this

1 witness' knowledge.

2 THE COURT: I can't hear you.

3 MS. SHARKEY: Objection. No foundation.

4 THE COURT: I will allow it.

5 A DeCicco, Gotti and others.

6 Q I'm showing you Government Exhibit 2 T. Who is that?

7 A John, John Gotti.

8 Q John Gotti Senior?

9 A Senior.

10 Q What was the highest position he attained in the Gambino
11 family?

12 A He was the boss.

13 Q How do you know that John Gotti and DeCicco had Paul
14 Castellano and Bilotti killed?

15 A Through talk in the family with other members.

16 Q Where were Gotti -- sorry, where were Castellano and
17 Bilotti murdered?

18 A A restaurant, Sparks Steakhouse, midtown Manhattan.

19 Q Did you learn who the shooters were?

20 A Yes.

21 Q Who were they?

22 A John Carneglia, Sally Scala, Eddie Lino, and Vinnie
23 Artuso.

24 Q Did John Carneglia have any relationship to the
25 defendant?

1 A Brothers.

2 Q I'm showing you what is in evidence as Government
3 Exhibit 2 LL. Who is that?

4 A John Carneglia.

5 Q What was the highest position he attained in the Gambino
6 family?

7 A Soldier.

8 Q I'm showing you Government Exhibit 2 CCC. Who is that?

9 A Eddie Lino. He was a captain.

10 Q I'm showing you Government Exhibit 2 Y. Who is that?

11 A Sal Scala, captain.

12 Q Does he have a nickname?

13 A Sally. Fat Sally.

14 Q You testified that John Gotti -- what was John Gotti
15 Senior's rank at the time that Castellano and Bilotti were
16 murdered?

17 A Captain.

18 Q Was that murder approved by anyone of a higher rank?

19 A No.

20 Q Is it organized crime protocol to get approval for
21 killing a boss?

22 A Yes. There's something called a commission, which is the
23 bosses of the five families. You would have to seek approval
24 to -- from them to kill a boss.

25 Q But the commission did not sanction the murder of

1 Castellano?

2 A No.

3 Q Who became the boss of the Gambino family after
4 Castellano was murdered?

5 A Gotti Senior.

6 Q When did the Castellano murder take place?

7 A Mid-December '85.

8 Q At that time were you still an associate under Paulie
9 Zac?

10 A Yes.

11 Q Up to this point had anyone tried to put your name up for
12 membership?

13 A Yes.

14 Q Who?

15 A Paulie Zac.

16 Q What is the process by which he submitted your name for
17 membership?

18 A What is the process that he does?

19 Q What is the process that you have to go through to become
20 a member, for submitting the name for membership?

21 A Yes. He goes to the captain and the captain goes to the
22 boss and he tells him, Michael Di Leonardo, I'm putting him up,
23 I'm proposing him.

24 Q What happens if the boss approves?

25 A A list is created of other captains to come in, and

1 soldiers who come no with proposals, and they go through the
2 list, take whatever names they want, put them on the list,
3 pass them around to all the captains in the family.

4 The captains then pass them to the soldiers. This
5 is done because they want to see if there's any history with
6 this guy, bad history with law enforcement or if he ever told
7 on somebody or did that -- was a drug addict, anything of that
8 nature to get approved or not approved.

9 Then that list would be then taken over to other
10 families for approval, once it met approval with our family.

11 Q What happens if the person meets approval after the lists
12 have been finished being passed around all five families?

13 A Then a date is scheduled to get straightened out,
14 inducted.

15 Q Are there limits as to how many made members a family can
16 have?

17 A Yes. Each family has a roster they can go up to. Let's
18 say the Gambino family is about 260, Genovese around the same,
19 the other families less. They can't straighten out or induct
20 more guys than their number.

21 Q How does spots open up?

22 A Usually through attrition, through guys dying.

23 Q I'm sorry, what's attrition?

24 A Attrition, guys dying, deaths.

25 Q Were you made the first time you got put up for

1 membershi p?

2 A No.

3 Q Why not?

4 A Many reasons at different times. There was politics that
5 was i nvolved.

6 Q After the defendant's brother and other gangsters killed
7 Castellano and Bilotti, did the leadership of your crew
8 change?

9 A Yes, Mr. Lillo had died, he was the captain of the crew.
10 He was an old man.

11 Q Who took over?

12 A Jack D'Amico.

13 Q What did that mean for your chances to become a made
14 member?

15 A Jackie was a new captain and I got very friendly with
16 Jack. And he was going to push me through. He was going to
17 push me through, Jack, I got friendly with him.

18 Q Was there a rule that you had to commit a murder to
19 become a made man?

20 A No. There is no rule. Years ago it was almost like a
21 rule that you had to do a piece of work to get straightened
22 out. They wanted you to have a murder over your head. Later
23 on it wasn't quite as stringent.

24 (Continued next page)

25

1 EXAMINATION CONTINUES

2 BY MR. BURLINGAME:

3 Q Did it help -- would it help your chances?

4 A The killers always got more respect in the family.

5 Q Did your role in the murder of Jack whose last name you
6 don't know help your chances of getting made?

7 A Yes.

8 Q Why is that?

9 A As I said, you are a capable guy. You could kill. You
10 are -- you already are committing that you kill for the
11 family, you've already done it.

12 Q In general, does it help or hurt and associate's chance
13 to become a made man to commit a murder on the Gambino
14 Family's order?

15 A Yes. Usually that's the thing. The first step to
16 getting their fast is to commit a murder. Yes, it does
17 enhance your position.

18 Q Are guys ever rewarded for committing a murder, with
19 regard to getting made for committing a murder?

20 A Made in different positions. You could go right up the
21 ladder too that way.

22 THE COURT: When you reach a break, we have to take
23 a break. I have a matter to take care of.

24 MR. BURLINGAME: Now would actually be a great time,
25 Judge.

1 THE COURT: All right. Take ten.

2 (The following occurred in the absence of the jury.)

3 THE COURT: All right. Take ten, please.

4 (Recess taken.)

5 (The following occurred in the absence of the jury.)

6 THE COURT: All right. Sit down, please.

7 We are waiting for the jury. I guess you can stand,
8 if you like.

9 (Witness present.)

10 (Jury present.)

11 THE COURT: All right. Sit down, everyone, please.

12 EXAMINATION CONTINUES

13 BY MR. BURLINGAME:

14 THE COURT: Proceed, please.

15 Q Before we went on break, you testified that soon after
16 the defendant's brother and other gangsters killed Paul
17 Castellano and Tommy Bilotti, Jackie D'Amico took over the
18 leadership of Paulie Zac's crew and that was going to help
19 your chances to become a made man.

20 Did he in fact succeed in making you a member of the
21 Gambino Family?

22 A Yes.

23 That would be Mr. Lillo's crew, not Paulie Zac.

24 Q I'm sorry.

25 A Yes.

1 Q When did you become a made member of the Gambino Family?

2 A December 24th, '88.

3 Q When did you first learn that you were going to become a
4 made member of the Gambino Family?

5 A Officially I was told probably a week or so before.

6 Q Do you remember how you first learned that you would be
7 made?

8 A Yes.

9 D'Amico told me that when he knew the date for sure
10 he would tell me, put on a suit. That would be the code and
11 that would be it.

12 Q What would putting on a coat be the code for?

13 A Getting straightened out.

14 I had a suit on normally when I went down there.
15 Most of the time I had a suit when I went down to the
16 Ravenite.

17 Q What does wearing a suit have to do with getting made?

18 A That's the code that I was going to get straightened out
19 that day for sure.

20 Q What are some of the terms for becoming a made member of
21 organized crime?

22 A The terms of becoming? Getting straightened out, getting
23 made, getting your button.

24 Q What are some of the terms used to refer to soldiers?

25 A Wi seguy, goodfella, made man, button man, things like

1 that.

2 Q Did you get that phone call from Jackie D'Amico telling
3 you to put your suit on?

4 A Yes.

5 Q What did he tell you to do?

6 A Put a suit on. I'll see on Mulberry Street.

7 Q Where on Mulberry Street?

8 A I believe I met him by the Ravenite.

9 Q What's the Ravenite?

10 A That was one of John Gotti's headquarters where we all
11 used to meet during the week.

12 Q Is that a social club?

13 A Yes, a social club.

14 Q So what did you do after you received the call from
15 Jackie D'Amico?

16 A Got dressed, went down to Mulberry Street.

17 Q What happened when you got there?

18 A We walked up the block to a place that Joe Butch had. He
19 was a captain in the family. He had an apartment on Mulberry
20 Street.

21 Q Who were you with?

22 A We walked up the block.

23 Q Who were you with?

24 A D'Amico and I.

25 Q Okay.

1 A We walked up to Joe Butch Corrao's apartment on Mulberry
2 Street.

3 Q What happened then?

4 A Walked in the apartment. As we walked in, we were
5 greeted by Bobby Boriello. There were two doors. Jackie went
6 into the right door. Bobby Boriello took me into the door on
7 the left. I went to another room.

8 Upon entering the room, it was John Gotti, Junior in
9 there, Dom Pizzonia, Mickey LaSorsa, Thomas Carbonnaro,
10 another fellow. I don't remember his name.

11 Q I'm sorry. If you could keep your voice up a little bit,
12 sometimes there is some noise behind me and I can't hear you.

13 Could you just go through who was in the room again?

14 A Yes.

15 Thomas Carbonnaro, known as Huck, John Junior Gotti,
16 Dom Pizzonia, Mickey LaSorsa and another fellow.

17 Q Okay. This was Bobby Boriello who greeted you, is that
18 correct?

19 A Yes. He walked us in the room.

20 Q I am showing you Government Exhibit 2 GG. Who is that?

21 A Boriello.

22 Q Bobby Boriello?

23 A Correct.

24 Q What's the highest rank he attained in the Gambino
25 Family?

1 A Acting captain.

2 Q I am showing you Government Exhibit 2 H.

3 Who is that?

4 A Joe Butch Corrao. He was a captain.

5 Q Showing you Government Exhibit 2 V as in Victor.

6 Who is that?

7 A That's Skinny Dom Pizzonia.

8 Q I'm sorry. What was the highest rank he attained in the
9 Gambino Family?

10 A He was a captain.

11 Q You testified Joe Butch Corrao was a captain as well?

12 A Correct.

13 Q I am showing you Government Exhibit 2 O.

14 Who is that?

15 A John Junior Gotti.

16 Q What's the highest position he attained in the family?

17 A Captain and on the Committee.

18 Q This is the ruling committee you talked about earlier?

19 A Correct.

20 Q Those men were in the room with you when you walked in?

21 A Correct.

22 Q What happened after you entered the room with these men?

23 A There was a knock at the door. Gene Gotti came and got
24 John Gotti, Junior and took him into the other room.

25 There was a second knock. Gene Gotti again took him

1 into -- the same room. It was Skinny Dom they took in.

2 The third knock was my knock, was D'Amico came to
3 the door and I went in the room.

4 Q What happened after D'Amico came to get you?

5 A I walked in the room and there was a -- like a
6 rectangular table, a horseshoe table and there were some seats
7 in the front. Where Gravano and Locascio were sitting there.
8 About ten or 12 captains sitting around the table.

9 I was instructed to go to the head of the table,
10 where I sat down.

11 At that point I seen a picture of a saint on the
12 table and Gravano started to speak to me and he asked me, do
13 you know why you're here? Which I said no.

14 He said, do you know these men? I says, yes.

15 He says, you respect these men? I says, yes.

16 He says, we have been watching you for a long time.
17 You didn't pick us. We picked you. This is not a club. It's
18 a secret society.

19 He says, do you want to be a part of us? I said,
20 yes.

21 He said, which finger do you shoot with? I raised
22 my right index finger.

23 D'Amico took a pin, pricked some blood out of my
24 finger, took the saint, crumpled it up, put it in my hand like
25 this, spilled blood on the /SAEUFBLT it was then lit on fire

1 and Gravano says, repeat these words after me.

2 If I betray the oath of omerta, may my soul burn in
3 hell like this saint, dropped the ashes, congratulated me and
4 he says, Jackie is your new father. This is your new family.
5 We come first before your blood family. You come in when
6 you're called, and even if we have to kill your own brother,
7 that's what you have to do. And some other words also.

8 Q What does that mean, that this family comes before your
9 blood family?

10 A Well, once you take that blood oath, you're entering Cosa
11 Nostra, which is who you are loyal to now. That's your first
12 loyalty. Even before anybody in your own blood family,
13 children, wife, mother, father, don't matter, your loyalty is
14 to them, Cosa Nostra.

15 Q During the ceremony, did they explain anything about how
16 you come into the family and how you go out of the family?

17 A Yes.

18 Sammy also said, there is one way in this society.
19 The way you come in today. And one way out, on a slab.

20 Q Is that rule taken seriously?

21 A Oh, yeah.

22 Q You said there was a rule about coming in when you are
23 called.

24 Do you know if John Gotti, Senior expected that rule
25 to be followed?

1 A Oh, yeah.

2 Q Can you give us an example?

3 A Example of somebody not following the rules?

4 Q I'm sorry. Of the rule about coming in when you are
5 called.

6 MS. SHARKEY: Objection as to form.

7 THE COURT: You may continue.

8 Answer, please.

9 A Yes.

10 If John Gotti, the boss, or any boss, calls you
11 directly, he sends a messenger to you and he tells you, avoid
12 your skipper, don't check in with him, come directly to me,
13 you go to the boss. Or if he sends an emissary to you or your
14 skipper, then you either come in with your skipper and you go
15 see the boss.

16 He directs how you come in and with who, is the
17 boss.

18 Q What happened after you took the oath?

19 A We all -- I went around, kissed all the skippers, came
20 back. We all held hands, stood up and held hands and some
21 words were spoken in Italian to the effect as whatever we talk
22 about in this room today stays in this room.

23 After that, I went to the end of the table, I joined
24 Junior and Dom and the other two fellows were called in to do
25 the same ceremony.

1 Q When you say "Junior and Dom," who are you talking about?

2 A John Gotti, Junior and Pizzonia.

3 Q How many other people were inducted into the Gambino
4 Family that night?

5 A Five.

6 Q What happened after the fifth person was inducted?

7 A They read us some rules. The don'ts, all these don'ts
8 could you get killed for.

9 Q What were the rules that they read you?

10 A You don't sleep with another member's wife.

11 If you're married, you don't sleep with another
12 member's daughter, nieces or any family members, if you're
13 married.

14 If you deal drugs, you die.

15 If you kill without permission, you die.

16 If you don't come in when you are called, you die.

17 You deal in stocks, bonds, counterfeit money, you
18 could die.

19 Raise your hands to another member, you could die.

20 And I think I said, kill without permission you
21 could die.

22 And there were some others.

23 Q Was there anything -- did they explain to you anything
24 about breaking your oath?

25 A Oh, that's a given. You break your oath, you're dead.

1 Q What about robbing from the family?

2 A Yes. You can get killed.

3 Q I would like to talk to you about some of the rules.

4 Why are the rules against drug dealing and dealing
5 in stocks and bonds?

6 A Well, those were put in place -- years ago the feds
7 weren't too much into organized crime. There was -- it was
8 like the so-called, what do you want, to make a federal case
9 out of this? So those things, those crimes, brought federal
10 heat. They wanted to keep all their crimes basically on the
11 state level. That was the principle.

12 So with a wink and a smile it was done, but one of
13 the rules were don't bring the feds into this. So you
14 could -- you could get killed for dealing drugs.

15 Q Are those rules followed today?

16 A They weren't followed then. Like I said, there was
17 always those exceptions. They are rules. They are in place.
18 A check and balance, so to say. That if they pick and chose
19 to kill you for it, to set an example, they will. But again,
20 all the rules are broken, every day.

21 Q You said there is a rule about getting permission for
22 your legal and criminal activity.

23 What does that mean?

24 A Once you become straightened out or, again, even as an
25 associate when you are property of the family, whatever you

1 do, if it's a legitimate business, you have to come in and put
2 it on record, that you have something going. Maybe there is a
3 guy with the same type business you have. That may cause a
4 conflict with another family or with your own family and why
5 have that problem.

6 So you go and you get permission. They kick it up
7 the ladder and if you get permission on the way down then you
8 could do whatever you want, whether it be criminal, robberies,
9 murders, whatever it is, legitimate business.

10 Q Was that rule always followed?

11 A No.

12 Q Frequently broken?

13 A Yes.

14 Q You mentioned there is a rule against committing murders
15 without permission.

16 Is that rule always followed?

17 A Mostly it is followed. There are sneak jobs.

18 Q Are there penalties for violating these rules?

19 A All death.

20 Q Are people always killed for violating the rules?

21 A No; sometimes you get a promotion.

22 Q How is it determined how strictly to enforce the rules?

23 A Depends how close you are to the boss.

24 Q What about whether you are valuable to the boss?

25 A Yes. That's what I said, valuable, loyal.

1 Q Then you get more slack in breaking the rules?

2 A Absolutely.

3 MR. FARBER: Objection.

4 THE COURT: I will allow it.

5 Q If you are given an order by a superior in organized
6 crime, do you have the ability to disobey that order?

7 A No.

8 Q What is the scope of the authority of a boss of an
9 organized crime family?

10 A Absolute.

11 Q What is the penalty for disobeying a direct order from a
12 boss?

13 A Death.

14 Q One of the oaths you take when you join the family is to
15 commit murder on the boss's order?

16 A As soon as they pinch your finger, that's the first
17 conspiracy.

18 Q Must you obey an order to kill?

19 A Yes; or you will be killed.

20 Q Did the boss also have the power to order soldiers and
21 associates not to commit murder?

22 A Yes. The same rule. You can't defy the boss's order. A
23 direct order from the boss, you can't defy. It would be
24 embarrassing.

25 Q What would be the penalty for defying an order not to

1 kill someone?

2 A You could get killed.

3 Q At your ceremony did they tell you a rule concerning
4 facial hair?

5 A No.

6 Q Do you know of any such rule or policy?

7 A Yes. There are policies, not rules. It's not a
8 Cosa Nostra rule. It's a policy. Each family has policies.
9 Cosa Nostra has rules.

10 One of the edicts could be, don't deal drugs or
11 facial hair. But people do grow beards and ponytails and
12 moustaches and things like that.

13 Q Can you give me a -- an example of a member of organized
14 crime with facial hair?

15 A The Chin, Vinny the Chin Gigante was the boss of the
16 Genovese Family and he wore a beard for a -- for law
17 enforcement, for cases that he -- he was playing he was crazy
18 so he had these records going -- medical records that he was
19 crazy so he grew like a wild beard at times and walked around.

20 Q Was Vinny the Chin a stickler for the rules?

21 A Oh, yeah, he was a stickler for the rules.

22 MS. SHARKEY: Objection as to relevance.

23 THE COURT: Overruled.

24 Q Was there a policy against facial hair in the Genovese
25 Family?

1 A Yes, there was a policy.

2 But there was a captain also, a guy named Joey Aida
3 who add mustache. There was other people there. Guys in that
4 crew had ponytails.

5 Q So this policy was in effect in the Genovese Family but
6 the boss of the family had a beard?

7 A Correct.

8 Q Again, what was the purpose for him growing that beard?

9 A For law enforcement. He had a crazy act he was playing.
10 So he was brought into court, like I said, with these records
11 he had, that he was crazy he couldn't stand trial. So -- that
12 was his way of getting around it.

13 Q Trying to get away from being prosecuted?

14 A That's correct.

15 Q Are there any rules or policies about how disputes with
16 handled within organized crime?

17 A Yes; they are called sit-downs.

18 Q What is a sit-down?

19 A Usually starts with two made members. If a beef is with
20 an associate, arguing, dispute with an associate, a made
21 member or two made members, two guys get together or more,
22 sit-down and have a discussion. That's a sit-down.

23 Q Are there any rules that govern who can participate in
24 sit-downs?

25 A It depends how -- how lax they could be on the wi seguy

1 sitting down. Affiliates, just two wiseguys, two goodfellas,
2 the associate could sit with them.

3 But protocol could say we don't want them at the
4 table. Those two guys could talk. It depends on the guys.

5 Q But, for example, could an associate have a sit-down with
6 a captain?

7 A Absolutely.

8 You can have a sit-down with a boss.

9 Q Is that the way it is supposed to work?

10 A It could work.

11 Again, you -- if you are the other person on the
12 side of the beef you say listen, he's an associate. I'd
13 rather not have many at the table. They have to respect it.
14 Unless it is coming from the boss. Then whatever the boss
15 says in your own family, that's what has to be done.

16 Q Okay. If they say they don't want an associate on the
17 other side of the table, what can they request?

18 A Dismiss him.

19 Q Who comes in their place?

20 A The soldier that he told him to dismiss his guy. In
21 other words, the associate comes with a soldier, another
22 soldier sitting there. He says, I'd rather us discuss it.
23 Dismiss your guy. He has to respect that. Unless it comes
24 from the boss.

25 Q Just to be clear, fair to say the everyone has a right to

1 have it be soldier to soldier at a sit-down or captain to
2 captain?

3 A Again, when you go up to the next level, that's different
4 protocol. Captains could even dismiss the soldiers if they
5 want. The two captains could talk. Soldier doesn't have a
6 right to talk to the captain unless he wants to.

7 Q What was going on in your mind during the ceremony while
8 they were reading the rules?

9 A Hypocrisy and double standards.

10 Q Can you explain?

11 A Well, some of the guys that were given the rules about
12 not dealing drugs and could you get killed for it were drug
13 dealers. Gene Gotti was a major heroin dealer. He's sitting
14 at the table.

15 You got Pat Conte, an international heroin dealer.
16 He's sitting at the table.

17 You got guys who just killed the boss without
18 permission, they are running the ceremony.

19 So I -- and there are many other things. Just
20 hypocrisy.

21 Q So after they finished reading you the rules, what
22 happened next?

23 A We got up and left twos and threes, went back up to the
24 Ravenite where John Senior was.

25 Q What happened when you got to the Ravenite?

1 A We were all first introduced to John Senior as our
2 representant or the boss of the family. You couldn't be
3 introduced to anybody else but him first and then everybody
4 else.

5 Q Did you know John Gotti, Senior already?

6 A Sure.

7 Q Why did you have to be introduced to him again?

8 A I am a child in his family right now. He's the father.

9 Q Are there any rules about organized crime introductions?

10 A Yes.

11 Q Why is that?

12 A It's secrecy. It's part of the society. You can't have
13 an outsider learn about Cosa Nostra, even though the world
14 does know about it. But the introductions are such as, one
15 made member that knows each of the other two that are going to
16 be introduced, three people, two know each other but don't
17 know each other as members, need a third-party that knows both
18 of them already that was already met Cosa Nostra-wise to
19 introduce them.

20 I'll give you an example. John, this is Michael.

21 MS. SHARKEY: Objection.

22 This is a narrative. Not in response to a question.

23 THE COURT: You may answer.

24 A John, this is Michael. Amica Nostra, friend of ours.

25 Michael this is John. Amica Nostra. His boss is John Gotti.

1 Let's say he's from the Chin's family. His boss is Vinny the
2 Chin. The one person has already been introduced to both
3 people already prior.

4 Q The purpose of that rule is to prevent outsiders from
5 infiltrating the family?

6 A Right.

7 In other words, if I can? If I am a wiseguy and
8 there is another wiseguy, I know he is straightened out. I
9 was never introduced to him. I can't go up to him and say I
10 heard you got straightened out. Forget about it. You'd be on
11 the carpet for that, in trouble.

12 (Continued on next page.)

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1 BY MR. BURLINGAME:

2 Q So, are made members of organized crime allowed to tell
3 nonmembers who is and who is not in Cosa Nostra?

4 A You're not supposed to, but it's done forever. That's
5 how I learned. That's how I learned who was a wiseguy, who
6 was the tough guys, who were the paper lions in the family. I
7 learned that as an associate, and everybody generally talks
8 about who is who.

9 Q So, it's typical for an associate to know who is who
10 within the Family?

11 A Right.

12 Q Do members and associates of organized crime know about
13 crimes they didn't personally participate in?

14 A Yes.

15 Q How?

16 MS. SHARKEY: Objection.

17 THE COURT: Overruled.

18 A Yes. Through chit-chat. Gossip. Like I said, if you
19 are in the inner circle, or somebody wants to put you in the
20 know because they are close. Like, That guy works for that
21 guy. That guy, he is a tough guy. That guy, you can push up
22 on him, maybe.

23 Different things.

24 Q Does this include talking about murder?

25 A Oh, yes.

1 Q Does discussing organized-crime murder violate any rules
2 of Cosa Nostra?

3 A Yes. That's probably one of the main rules, besides
4 breaking many, the oath. That's how I learned about them, was
5 from different members of the life. That's how we learned
6 about them. They would tell me who got killed and who killed
7 them.

8 Q Even though it's against the rules, it happens all the
9 time?

10 A Yes. Don't forget, as an associate, at that point,
11 you're asked to do a piece of work. You're going on a murder,
12 so they have to tell you, you know. After you get that bond
13 with those guys you just did that with, then most of the time
14 they are free to talk about other things that they did.

15 Q Why would one member of organized crime tell people about
16 murders they're involved in?

17 MS. SHARKEY: Objection as to form.

18 THE COURT: I'll allow it.

19 A Again, sometimes they want to put you on point about
20 certain guys, what happened policy-wise. Or just to brag. A
21 lot of guys got in trouble bragging about murders they
22 shouldn't talk about it.

23 Q What would be the purpose of bragging about a murder you
24 committed?

25 A Some people want to show how big they are or how

1 important they are.

2 Q You testified that one of the rules was that the only way
3 out of the Gambino Family is on a slab. What does that mean?

4 A Dead.

5 Q You can't quit?

6 A No such thing as quitting.

7 Q Can't retire?

8 A No retirement plan in the Mafia.

9 Q Why is that?

10 A The way you come in, when you get your fingers pinched is
11 death. Even myself, like I give you an example. I'm sitting
12 in this chair cooperating. I'm still on the books as a member
13 of the Gambino Family. I am not in the Gambino Family, but
14 they are obligated to keep my name on their books until I'm
15 dead. That's the only way out. The only way they can
16 straighten out a guy, if there's 259 guys and 260 is when I
17 die, even though I'm a cooperator.

18 Q Can a person withdraw from the Gambino Family?

19 A Same answer. No.

20 Q What happens if they try to withdraw?

21 A Again, depends who you are, see if they could call you
22 in, and you could be killed.

23 Q Have you ever heard of anyone being able to withdraw?

24 A No.

25 Q What would the penalty be for your cooperation?

1 A Death.

2 Q Is that a rule that's strictly enforced?

3 A Yes.

4 Q If you had not cooperated, any doubt in your mind you
5 would still be active in the Gambino Family?

6 A Definitely.

7 Q Why is that?

8 A I was a member. I was a captain in the Gambino Family
9 until they broke me. But I was property of and I will still
10 be active.

11 Q You couldn't just grow a beard and get out of the family?

12 MR. FARBER: Objection.

13 THE COURT: Sustained.

14 Q How did you feel when you became a made member of the
15 Gambino Family?

16 A I was proud of it then.

17 Q How did your life change after you became a soldier in
18 the Gambino Family?

19 A Now, you can sit down with the people I talk about as an
20 associate that you couldn't. You couldn't get excused off of
21 that table on beefs. I was able to interact with other
22 members initially and discuss certain things with them. They
23 couldn't turn away from me. Also, I am now an official member
24 of the Gambino Family. It makes your position stronger with
25 all the other families, and now you are a member, and you are

1 a captain. They could say, instead of an associate, this is a
2 soldier who is going to go out and do a piece of business.

3 Q Did you still have to check in with Paulie Zac?

4 A No. I went to him for advice. Now, I had to go to the
5 captain of the crew, which is D'Amico.

6 Q Did you have to check in with the boss of the family,
7 John Gotti, Sr.

8 A Yes.

9 Q Where would you visit them?

10 A Ravenite Social Club on Mulberry Street, Manhattan. The
11 Bergen Hunt and Fish out in Queens. When he came to Brooklyn,
12 I would meet him by Jimmy Brown's club in my neighborhood.

13 Q Do you know the cross-street for the Ravenite?

14 A Prince and Mulberry.

15 Q And that's the place where you testified you went after
16 you were made?

17 A Correct.

18 Q Where was the Bergen Hunt and Fish Club?

19 A 101th Avenue in Queens.

20 Q Do you know the cross-street there?

21 A 99th, 98th.

22 Q Were there any particular days you had to be at the
23 Bergen Hunt and Fish Club?

24 A Yes. At one time, you had to be there Monday to Friday.

25 Q I'm sorry. That's Bergen Hunt and Fish Club.

1 A I'm sorry. I thought you said the Ravenite. Bergen
2 Hunt, I will be there every Saturday.

3 Q And why did you go to the Bergen Hunt and Fish Club every
4 Saturday?

5 A John wanted some of his closest guys and anybody wanted
6 to come and see him on a Saturday, less casual, and he would
7 have dinner laid out for everybody or lunch, and that was his
8 day. Like I said, he liked certain people to be there on
9 Saturday.

10 Q And you testified those certain people were the people
11 who were closest to him?

12 A Yes.

13 Q Were there ever special events held at the Ravenite?

14 A Yes. John liked the holidays. We always had a little
15 party for the holidays, whatever holidays it was.

16 Q Which holidays?

17 A Christmas, Easter, New Year's, Thanksgiving. Just about
18 all the big holidays. His birthday.

19 Q Who went to those parties?

20 A Just about everybody left in the street from the Gambino
21 Family, and other families came.

22 Q You testified you reported to Jackie D'Amico. Why was
23 that?

24 A He's my captain now.

25 Q Can you explain briefly the role that captains have in

1 the Gambino Family?

2 A Yes. The captain is -- the official term for captain is
3 capodecina, boss of ten. He takes care of soldiers in his
4 crew, who then take care of the associates. If they have an
5 industry to take care of, he does that, garbage or
6 construction, things like that. And he's obligated to
7 maintain his guys' control and monies and then bring it to the
8 boss.

9 Q Does the captain have any responsibilities with respect
10 to disagreements or beefs that the soldiers in his crew get
11 involved in?

12 A Yes. They would have to go to him to resolve it. If two
13 soldiers in the same crew had a beef, they would have to go to
14 the captain to resolve it.

15 Q How often did you report to Jackie D'Amico?

16 A I seen Jackie almost every day.

17 Q Did there come a time when you became aware that law
18 enforcement had placed a recording device at the Ravenite?

19 A Well, we always suspected that the Ravenite was bugged,
20 the whole first floor, the sidewalks, the street. We had
21 agents there almost every night.

22 Q Did there come a time when you discovered a different
23 place had been bugged that was not expected?

24 A Yes.

25 Q What was that?

1 A John had an apartment upstairs from the Ravenite, an old
2 woman's apartment. They used to go up there and talk
3 occasionally. Not too many people knew about the apartment.
4 When he got arrested, it hit the news the apartment was
5 bugged.

6 Q Would he speak freely about that apartment?

7 A Yes, he did.

8 Q What was the reaction in the news that the apartment
9 upstairs from the Ravenite was bugged?

10 A A lot of people going to prison.

11 Q You mentioned John Gotti, Jr. was made in the same
12 ceremony with you. Is he the son of John Gotti, Sr.?

13 A Yes, correct.

14 Q When did you first meet John Gotti, Sr.?

15 A Late '70s, I believe.

16 Q What was his position at that time?

17 A Either an acting captain or a captain.

18 Q When did you first meet John Gotti, Jr., his son?

19 A Probably after '86.

20 Q What was his position at the time?

21 A He was an associate.

22 Q Did you continue to see him after you met him?

23 A Yes. We hit it off pretty good.

24 Q Did you become close with him?

25 A Yes, very close.

1 Q By the time you were made with him, what was the status
2 of your relationship?

3 A We were very close. We interacted a lot, of going out to
4 clubs, dinners, vacations and things like that.

5 Q I remind you to keep your voice up.

6 A Okay.

7 Q Does John Gotti, Jr. have any children?

8 A Yes.

9 Q What's your relationship with his son?

10 A I baptized his son John. I'm his godfather.

11 Q Did John Gotti, Jr. know your older son when he was
12 growing up?

13 A Yes.

14 Q How did your son refer to him?

15 A Uncle John.

16 Q At the time you were made, was there anyone around John
17 Gotti, Jr. who was closer to him than you were?

18 A I was the closest to John than anybody else.

19 Q Who were some of the other people who were particularly
20 close with him in the Gambino Family?

21 A Bobby Boriello. Michael McLaughlin. Johnny Alite.
22 Johnny Ruggiero. Maybe a few others. I was the closest when
23 he got straightened out.

24 Q I'm showing you Government's Exhibit 2-EE.

25 Can you tell me who that is.

1 A John Alite.

2 Q What was the highest position he attained in the Gambino
3 Family?

4 A He wasn't Italian, so he was an associate.

5 Q How would you describe the relationship between John
6 Alite and John Gotti, Jr.?

7 A John Alite was a childhood friend of John, Jr.'s, and
8 very, very close growing up, and John loved him.

9 Q Did you spend time together with the two of them?

10 A Oh, yes. Restaurants, vacations, other things, yes.

11 Q Did you attend any Gambino Family events together?

12 A Weddings, wakes.

13 Q Are there any rules about attending wakes and weddings,
14 funerals for other members and associates of organized crime?

15 A When John, Sr. was in the street, if you were free, you
16 were obligated to be there.

17 Q Is business conducted related to organized crime at these
18 events?

19 A Yes. It was an opportune time for guys you normally
20 don't see, maybe from another borough or something like that,
21 to talk with. Also, there's so many people in a catering hall
22 or restaurant, wherever you are, there's so many voices, you
23 probably don't have to take those walk-talks.

24 Q Did you attend many Gambino Family wakes and weddings?

25 A Many.

1 Q Do you know if the defendant went to many?

2 A Not as many as me, but he went.

3 Q Was it common for people who were not Gambino Family
4 members or associates to repeatedly attend Gambino Family
5 wakes and weddings?

6 MS. SHARKEY: Objection as to form.

7 THE COURT: You may answer.

8 A Give it to me again.

9 Q Sure. Was it common for people who were not Gambino
10 Family members and associates to go to Gambino Family wakes or
11 weddings over and over and over again?

12 A No. Those people are probably just at the event we
13 attended, would be for their event, and we would go to
14 different wakes or weddings after that.

15 Q So, a civilian wouldn't go to fifteen, twenty Gambino
16 Family wakes and weddings?

17 A No, unless you are an associate or soldier and up.

18 Q Did it help your standing in the family to follow the
19 rules concerning wakes and weddings?

20 A Yes. John liked that.

21 Q Did you ever talk with John Gotti, Jr. about John Alite?

22 A Yes.

23 Q What would he say about Alite?

24 A Very capable kid, tough kid. Very loyal to John.

25 Q What does that mean to be capable and tough?

1 A Capable of committing murder.

2 Q Do you know if Alite was involved in criminal activity
3 with John Gotti, Jr.?

4 A Yes.

5 Q What kinds?

6 A They ran the valet service in Florida and in New York, I
7 believe. Did some obstruction of justice with a jury.

8 Q When you say "obstruction of justice with a jury," can
9 you clarify that a bit?

10 A Yes.

11 Going back to the Gene Gotti trial, there was a hung
12 jury in one of the cases, and Alite, myself, Junior Gotti and
13 Carmine Agnello had a meeting one night out in Queens, and we
14 were discussing how it was going to be handled, because
15 Carmine Agnello, John's brother-in-law, got called into the
16 grand jury. And a decision was made that he would go in the
17 grand jury, and because he got immunity, which they couldn't
18 prosecute him for anything, he said, he would go in there and
19 say he was the blame for everything. He took the all blame,
20 because he couldn't be prosecuted. That was one of the things
21 I had done with Alite and John and Carmine.

22 Q Did you have an understanding as to who was involved in
23 that jury tampering?

24 A Yes, John, Jr., Carmine and John Alite.

25 Q I'm showing you Government's Exhibit 2-DD. Who is that?

1 A Carmine Agnello.

2 Q And I'm showing you Government's Exhibit 2-X. Can you
3 tell me who that is?

4 A Johnny Ruggiero.

5 Q What's the highest rank that Carmine Agnello reached in
6 the Gambino Family?

7 A Soldier.

8 Q Does he have a nickname?

9 A Carmine Agnello?

10 Q Yes.

11 A No. Not that I remember.

12 Q What about John Ruggiero?

13 A Johnny Boy. I approached him at one time. He was with
14 John Jr., close. But I proposed him. John didn't want to
15 propose him. He had a drinking problem, so he said, You
16 propose him. So, I did.

17 Q Did he become a made member?

18 A Not when I was in the street.

19 Q Was he a valued Gambino Family associate?

20 A Yes. That was Andrew Ruggiero's son.

21 Junior and Johnny Boy grew up together and very
22 close to John.

23 Q He was not shunned by the Gambino Family because of his
24 family?

25 A John got mad at him at times. Still had him around.

1 Tried to help him along. I suggested to John he's so close to
2 him, I would propose him. He said, You propose him. You take
3 him.

4 Q Did there come a time when John Alite and John Gotti, Jr.
5 stopped being so close?

6 A Yes.

7 Q When was that?

8 A Early '90s sometime.

9 Q Do you know why?

10 A Yes. John said he may have had a case coming out of
11 somewhere to do with drugs. He might have been arrested or
12 getting arrested, something with drugs somewhere, and John
13 told him to stay away.

14 Q When you told "him," which John?

15 A John, Jr. told John Alite to stay away, chased him.

16 Q In addition to John Gotti, Jr., who else did you become
17 close with at the time that you were made?

18 A Boriello.

19 Q And how did you become close with Bobby Boriello?

20 A John, Bobby and I used to go out a lot together. Every
21 time we were together. When his father used to go to Rave nite
22 and play cards, we would stay around, and like I said, we
23 interacted a lot together.

24 Q What crew was Bobby Boriello in when he was first made?

25 A Gene Gotti.

1 Q What about John Gotti, Jr.?

2 A Gene Gotti.

3 Q I'm showing you Government's Exhibit 2-XX. Can you
4 identify that person?

5 A Gene Gotti.

6 Q What's the highest position he attained in the Gambino
7 Family?

8 A He was a captain.

9 Q Did there come a time when John Gotti, Jr. was made a
10 captain?

11 A Yes.

12 Q When did that happen?

13 A Mid-'90s.

14 Q When he became a captain, who was in his crew?

15 A Boriello was put in his crew. Later on, Fat Dom
16 Borghese. Charles Carneglia. Jackie Cavallo. Tommy
17 Cacciopoli. His brother-in-law Carmine.

18 Q I'm showing you Government's Exhibit 2-B. Who is that?

19 A Cacciopoli.

20 Q Does he have a nickname?

21 A Tommy Sneakers.

22 Q What's the highest rank he attained in the Gambino
23 Family?

24 A Captain.

25 Q I'm showing you Government's Exhibit 2-E. Can you tell

1 me who that is?

2 A Jackie Cavallo.

3 Q What's the highest rank he attained in the Gambino
4 Family?

5 A Captain.

6 Q Showing you Government's Exhibit 2-C-2. Can you tell me
7 who that is?

8 A Charles Carneglia.

9 Q What's the highest rank he attained in the Gambino
10 Family?

11 A Soldier.

12 Q Showing you Government's Exhibit 2-C-1. Can you tell me
13 who that is?

14 A Charles, Charles Carneglia.

15 Q How was it that John Gotti, Jr. ended up with those guys
16 in his crew that you just mentioned?

17 MS. SHARKEY: Objection, foundation.

18 THE COURT: Overruled.

19 A John's father wanted to put -- insulate John, Jr. and put
20 tough guys around him, so they can protect him and guys very
21 loyal.

22 Q How do you know this?

23 A D'Amico, Jr. Jackie D'Amico. John, Jr.

24 Q They told you?

25 A Yes.

1 Q What was Jackie D'Amico's relationship with John Gotti,
2 Sr.?

3 A He was his driver, a captain, of course. And very good
4 friends with John, Sr.

5 Q Did you ever talk with John Gotti, Sr. about the
6 defendant?

7 A No.

8 Q Did you ever talk with John Gotti, Jr. about the
9 defendant?

10 A Yes.

11 Q What did he say about him?

12 MS. SHARKEY: Objection.

13 THE COURT: No. You have to give me context.

14 Q During the course of Gambino Family discussions about
15 Gambino Family members, associates, Gambino Family activities,
16 with John Gotti, Jr., did you ever discuss the defendant?

17 A Yes.

18 Q What did he tell you about him?

19 MS. SHARKEY: Objection.

20 THE COURT: Sustained. Context shows that it comes
21 within an exception.

22 Q Is it important in the Gambino Family to be aware of the
23 rank of other members?

24 A Yes.

25 Q Is it important to be aware of what their criminal

1 capabilities are?

2 A Yes.

3 Q Did you ever discuss the criminal capabilities of the
4 defendant with John Gotti, Jr.?

5 A Yes.

6 Q What did he tell you?

7 MS. SHARKEY: Objection.

8 THE COURT: When? Where? Who was present?

9 Q When did these discussions take place?

10 A I would say after '88, I guess, late '90, that time
11 frame.

12 Q This is when you were close with John Gotti, Jr.?

13 A Yes.

14 Q And did you have one or multiple discussions about the
15 defendant?

16 A Probably multiple over the years going to '98.

17 Q And what would John Gotti, Jr. tell you about the
18 defendant?

19 MS. SHARKEY: Objection.

20 THE COURT: You have to be more specific.

21 Q Was it important to you, as a member of the Gambino
22 Family, to understand the defendant's role in the Gambino
23 Family?

24 A Yes. His and others, sure.

25 Q And in that context, did you have conversations with John

1 Gotti, Jr. about the defendant?

2 A Yes.

3 Q And John Gotti, Jr. was also a member of the Gambino
4 Family?

5 A Correct.

6 Q Was it important to him to know what information you
7 possessed about other members?

8 A Yes.

9 Q Was it important to know who the killers in the family
10 were?

11 A Yes.

12 Q Did he tell you about the defendant?

13 A Yes.

14 Q What did he tell you?

15 MS. SHARKEY: Objection.

16 THE COURT: Overruled.

17 A He said that Charles is very loyal and a killer, along
18 with the rest of the guys.

19 Q Did he tell you any nicknames for Charles?

20 A They used to call him Crazy Charles.

21 Q Up until the time his father put him under John Gotti,
22 Jr., who else -- do you know who else the defendant had been
23 under?

24 A John Gotti, Sr., I believe, going way back. His brother
25 John Carneglia. Gene Gotti. I believe Pete for a very little

1 time, and then Junior.

2 Q Showing you Government's Exhibit 2-Q. Who is that?

3 A Pete Gotti.

4 Q Do you know of a nickname for him?

5 A No.

6 Q What was the highest rank he attained in the Gambino
7 Family?

8 A He was the boss.

9 Q You testified that the defendant's brother John Carneglia
10 was also a made member of the Gambino Family. Whose crew was
11 he in?

12 A John Gotti, Sr.

13 Q Who was Louis Di Bono?

14 A He was a soldier in the Gambino Family with Patsy Conte.
15 He was a captain.

16 Q I'm showing you Government's Exhibit 2-SS. Can you tell
17 me who that is?

18 A Louis Di Bono.

19 Q I'm showing you Government's Exhibit 30. Can you tell me
20 who that is?

21 A Louis.

22 Q What was the highest rank in the Gambino family Louis
23 Di Bono attained?

24 A He was a soldier.

25 Q Is Louis Di Bono alive or dead?

1 A Dead.

2 Q Do you know when he died?

3 A I think in late '90.

4 Q Do you know how he died?

5 A Shot dead.

6 Q Do you know where he was killed?

7 A World Trade Center.

8 Q Did you know, before Louis Di Bono was murdered, that he
9 would be murdered?

10 A No.

11 Q How did you first learn that he was murdered?

12 A I heard it on the news or read it or both.

13 Q After the murder, did you learn who did it?

14 MS. SHARKEY: Objection, lack of foundation.

15 THE COURT: You may answer it. Just answer that
16 question yes or no.

17 A Yes.

18 Q How did you first learn who was responsible for the
19 murder?

20 A I don't know if Gravano told me first or Boriello told me
21 first. I'm not sure who told me first.

22 Q You testified previously those are both high-ranking
23 members of the Gambino Family?

24 A Yes.

25 Q What did Bobby Boriello tell you about the murder of

1 Loui s Di Bono?

2 MS. SHARKEY: Obj ecti on.

3 THE COURT: When? Where? Who was present, and the
4 ci rcumstances.

5 A Wi th Bori ello --

6 THE COURT: No. I 'm di recti ng my request not to
7 you, but to counsel .

8 THE WITNESS: Okay.

9 Q When you di scussed the murder of Loui s Di Bono wi th Bobby
10 Bori ello, approxi mately when di d that take place?

11 A Probabl y about '91, I woul d guess, '90, '91.

12 Q You testi fied the murder took place i n l ate 1990?

13 A Yes.

14 Q Who was present for the conversati on?

15 A Just Bobby and I .

16 Q You testi fied Bobby was a fellow member of the Gambi no
17 Fami ly?

18 A Yes.

19 Q Di d you share i nformati on wi th hi m about Gambi no Fami ly
20 crimes?

21 A Oh, yes.

22 Q Was that i mportant to your abi lity to operate i n the
23 Gambi no Fami ly?

24 A No. It was j ust something that Bobby and I -- he wanted
25 to share wi th me. It was not the first time he told me about

1 things.

2 Q You testified previously that knowing about other members
3 and the sorts of activities they committed is important to you
4 being able to perform your duties as a made member of the
5 Gambino Family; is that correct?

6 MS. SHARKEY: Objection as to leading.

7 THE COURT: Overruled.

8 You may answer.

9 A Yes. Not that whatever he told me was going to help me
10 in the Gambino Family. It was just that he was just sharing a
11 bit of information about himself and Charles.

12 (Continued on next page.)

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1 BY MR. BURLINGAME:

2 Q And that information is something that Gambino family
3 members shared with each other frequently, correct?

4 A If you were close enough, yes.

5 Q And that's the sort of information that was important for
6 you to know about other members in order to be able to keep
7 your finger on the pulse of the family?

8 A Like I said, not really. It's not important for me to
9 know. It's just like Bobby, like I said, my relationship was
10 such that he just shared it with me, that him and Charles did
11 the work.

12 MS. SHARKEY: Objection. Move to strike.

13 THE COURT: You don't want that stricken. You want
14 that in.

15 Proceed.

16 Q What did Bobby Boriello tell you about the murder of
17 Louie Di Bono?

18 A That Charles and him did it.

19 MS. SHARKEY: Objection.

20 THE COURT: Sustained. Strike it.

21 Q You said that you had the conversation with Bobby
22 Boriello in 1991 concerning the Louie Di Bono murder?

23 A '90, '91. Bobby was killed April 13th of '91, so it's
24 between the murder and that, whenever the murder was.

25 Q So fair to say it was fairly soon after the murder?

1 A Somewhat, yeah.

2 Q Do you remember where this conversation took place?

3 A No, I don't.

4 Q Do you remember you were alone with him?

5 A Yes.

6 Q And do you remember the specifics of the conversation?

7 A No.

8 Q Do you remember what he told you about who committed the
9 murder?

10 A Yes.

11 MS. SHARKEY: Objection.

12 A He specifically said --

13 THE COURT: No. That's enough.

14 Q Without saying who, do you remember what he told you
15 about who committed the murder?

16 MS. SHARKEY: Objection.

17 THE COURT: Sustained.

18 Q As a member of the Gambino family, would you frequently
19 talk about Gambino family crimes with other members?

20 A Yes.

21 Q Is there any Gambino family purpose to having such
22 conversations?

23 A Yes.

24 Q Can you explain that purpose.

25 A Like I said earlier, it enlightens you on certain

1 people's roles and definition in the family. A lot of times
2 it's a relationship that you have with a soldier and an
3 associate that he shares information, and like I said, I was
4 very close with Boriello.

5 Q Is information a valuable commodity in the Gambino
6 family, to know who is doing what?

7 A Yes.

8 Q Is that part of you being an effective member of that
9 criminal enterprise, to acquire information about what others
10 in the enterprise are doing, how the enterprise is
11 functioning?

12 A Yes.

13 Q What did Bobby Boriello tell you about the murder of
14 Louie Di Bono?

15 MS. SHARKEY: Objection.

16 THE COURT: Sustained.

17 What was your position in the family at that point?

18 THE WITNESS: I was a soldier, Judge.

19 THE COURT: For how long?

20 THE WITNESS: I got straightened out in December
21 '88.

22 THE COURT: So you were a soldier for about three
23 years?

24 THE WITNESS: About a year and change, two years and
25 change.

1 THE COURT: What was Boriello's position?

2 THE WITNESS: He was a soldier.

3 THE COURT: For how long?

4 THE WITNESS: Bobby got straightened out I believe
5 in '86, early '86.

6 THE COURT: Were you and he under the same captain
7 as the defendant?

8 THE WITNESS: No.

9 THE COURT: Sustained.

10 BY MR. BURLINGAME:

11 Q You said you also talked to Sammy Gravano about the
12 murder of Louie Di Bono?

13 A That's correct.

14 Q Do you remember when that conversation took place?

15 A Probably around the same time frame, a little -- maybe a
16 little shorter.

17 Q Do you remember who was present?

18 A Just me and Gravano.

19 Q What was Gravano's position in the family at the time?

20 A He was the underboss.

21 Q So was the defendant a member or associate of the family
22 at that time?

23 A Yes.

24 Q Would he have to answer orders from Sammy Gravano?

25 A Yes.

1 Q That same relationship that you explained about, about
2 the exchange of information between members of the Gambino
3 family, would that apply to your relationship with Sammy
4 Gravano?

5 A I knew Sammy since I was 12-years-old so --

6 Q I'm talking about the importance of information in
7 organized crime, that it would be important for you to know
8 what Sammy Gravano -- to obtain information from Sammy
9 Gravano?

10 A Yes, if he was going to tell me I was going to listen.

11 Q And having information about Gambino family crimes was
12 something that was important to you being able to operate as a
13 member of the Gambino family?

14 A Yes.

15 Q Can you tell me what Sammy Gravano said about the murder
16 of Louie Di Bono?

17 MS. SHARKEY: Objection.

18 THE COURT: I want much more specificity with
19 respect to when, where and circumstances.

20 Q Do you remember precisely when you talked to Sammy
21 Gravano about the murder of Louie Di Bono?

22 A Yes, Sammy was arrested somewhere middle of December of
23 '90, and the murder took place in the middle to late '90, so
24 it was a short period of time.

25 Q And do you remember where the conversation took place?

1 A I think it was in Brooklyn, on Stillwell Avenue.

2 Q Do you remember who was present?

3 A Him and I.

4 THE COURT: Excuse me. In Brooklyn, Stillwell
5 Avenue doesn't satisfy me.

6 THE WITNESS: Sammy had an office --

7 THE COURT: I'm not talking to you, sir. When I am
8 I will direct my question to you.

9 I want you to be very specific about this. As I
10 understand it, this defendant is charged with committing this
11 murder, correct?

12 MR. BURLINGAME: Correct, Judge.

13 THE COURT: I want specificity with respect to the
14 rule I take it you're relying upon. I don't want hearsay on
15 hearsay and idle gossip.

16 This constitutes critical evidence on a major
17 charge. I take it that this witness and the defendant were
18 both under the same underboss; is that correct?

19 MR. BURLINGAME: Yes, Judge.

20 THE COURT: Ask that question and then be very
21 specific about the circumstances or it's not coming in.

22 Excuse me, ladies and gentlemen. You know I have no
23 interest in the outcome of the case, I don't. I just want to
24 make sure that the trial proceeds according to law and due
25 process and that's why I direct my requests and rule and

1 overrule, and it doesn't affect your decision at all.

2 Is that clear?

3 Again, I tell you, the fact that a question is asked
4 and is not answered or I strike it, that doesn't have any
5 relevance at all to the case.

6 Q Were you and Sammy Gravano -- were you and the defendant
7 both under the same underboss?

8 A Yes.

9 Q Who was that underboss?

10 A Sammy Gravano.

11 Q Can you tell me with as much specificity as possible
12 where this conversation took place with Sammy Gravano?

13 A Yes. I believe it was by his office on Stillwell Avenue
14 in Brooklyn. We took a walk.

15 Q So you did -- this is a walk-talk that you talked about
16 earlier?

17 A Yes.

18 Q So rather than talking in his office on Stillwell Avenue
19 you did a walk-talk?

20 A Right.

21 Q Okay. And as specifically as you can remember, when did
22 this conversation take place?

23 A Like I said, it had to be before mid-December of '90 and
24 when Di Bono got killed, which is mid-to-late '90. So a short
25 period of time.

1 Q And again, it was just you and Sammy Gravano?

2 A Yes.

3 Q You had a walk-talk outside of his office?

4 A Right.

5 Q You were both under Gravano?

6 A Gravano was there, me and Gravano.

7 Q You and the defendant were both under Gravano?

8 A Right.

9 THE COURT: Why were they meeting?

10 THE WITNESS: I was --

11 THE COURT: Excuse me. I'm not talking to you.

12 THE WITNESS: Sorry, Judge.

13 Q Why were you meeting?

14 A I frequently would go see Sammy there at his office. It
15 was called Maritime Construction.

16 Q Were those part of your obligations as a made member of
17 the Gambino family?

18 A No, Sammy was at that office in the daytime and I would
19 go see him, that was his base.

20 Q Was it valuable for you to have a relationship with the
21 underboss of the Gambino family, as a member of the Gambino
22 family?

23 A Like I said, it was an ongoing relationship.

24 Q Did it increase your status in the family that you had a
25 close relationship with the underboss in the family?

1 A Absolutely.

2 MR. BURLINGAME: Sufficient foundation, Judge?

3 THE COURT: Not for me. Unless you're going to be
4 able to be specific about the reason the conversation took
5 place, under the rules, or the particular rule that I think we
6 are both thinking of, I'm not allowing it in.

7 It is hearsay and it's too thin at this stage,
8 particularly for a conversation that took place 19 years ago,
9 apparently.

10 Q Do you have a clear recollection of the conversation?

11 A Of the conversation? Yeah, the contents, yes.

12 Q Is it fair to say that when someone tells you about a
13 murder that's information you remember clearly?

14 MS. SHARKEY: Objection.

15 THE COURT: I will allow it.

16 A Yes.

17 Q Do you have a specific recollection of the conversation
18 you had with him?

19 A Yes.

20 Q In your mind's eye, do you remember him telling you about
21 the Di Bono murder?

22 A Yes.

23 THE COURT: I want the whole conversation, when he
24 got there, why he was there, why they were taking a walk-talk,
25 what they said, everything about it without mentioning the

1 name of any alleged murderer.

2 MR. BURLINGAME: We'll come back to it on Monday,
3 Judge.

4 THE COURT: Yes.

5 Q When did you first hear about the defendant and his
6 brother?

7 MS. SHARKEY: Objection.

8 THE COURT: Overruled.

9 A I believe the early eighties.

10 Q Who told you about them?

11 A Paulie Zac.

12 Q This is the individual you were under for ten years?

13 A Yes.

14 Q You were very close to him?

15 A Yes.

16 Q What did he tell you about the Carneglia brothers?

17 A They were tough guys.

18 Q What does it mean to be a tough guy in organized crime?

19 A He referred to them as killers. They were the guys that
20 did the work with John.

21 Q Did there come a point when you began to learn more about
22 the Carneglias?

23 A Yes, after '86, I believe.

24 Q Why did you learn more about them at that time?

25 A I had --

1 MS. SHARKEY: Objection to form. Vague.

2 THE COURT: Not why, but the circumstances.

3 Q You testified you began to learn more about the
4 Carneglias in 1986. Can you explain?

5 A Yes. Now --

6 MS. SHARKEY: Same objection.

7 THE COURT: Overruled.

8 A John Gotti Senior had just taken over, and he was the
9 boss, and I never really met any guys from Queens. So now my
10 interacting with different people in the family through
11 weddings, wakes and such, and going by social clubs, I started
12 to hear the name Carneglia more, among many other names I
13 never heard before.

14 Q When did you first meet the defendant?

15 A '86 -- 86, '87.

16 Q At the time of the DiBono murder in 1990, how frequently
17 did you see the defendant?

18 A Probably around once a week.

19 Q Where would you see him?

20 A Either at the Ravenite or Bergin Hunt and Fish on
21 Saturdays by John's.

22 Q Those were the John Gotti Senior's two social clubs?

23 A Right.

24 Q Which club did you see him at more frequently?

25 A Probably the Bergin Hunt and Fish.

1 Q Did you know him to be a guy would hang around social
2 clubs a lot?

3 A No. Charles didn't hang around too much.

4 Q Who did you see the defendant with when you saw him?

5 A Usually when he got there he was with either Tommy
6 Sneakers or Jackie Cavallo, both.

7 Q Tommy Sneakers is who, what's his last name?

8 A Cacciopoli.

9 Q What was the defendant like when you saw him?

10 A Calm, jovial.

11 Q Did he usually arrive with others?

12 A I believe Charles used to come and leave by himself most
13 of the time.

14 Q Do you know if the defendant had any businesses?

15 A I believe he's partners with his brother in the junk yard
16 business.

17 Q Do you know someone named Kevin McMahon?

18 A Yes.

19 Q Who is he?

20 A He was an associate of the Carnegias.

21 Q Where would you see him?

22 A I would see him by the Bergen or by Richie's club, which
23 was around the corner from the Bergin.

24 Q How would you describe him?

25 A A goofy kid.

1 Q Can you give me an example of what you mean by goofy?

2 A Yeah, he would do stupid things, like when the FBI was
3 sitting up the block, he would run out, yell at them, curse
4 them, grab his crotch. He tried to tape them at one point, I
5 understand, Junior told me that. Just a goofy kid.

6 Q I'm showing you what is in evidence as Government
7 Exhibit 2 T. Who is that?

8 A That's him, McMahon.

9 Q What was the highest position he attained in the Gambino
10 family?

11 A Associate.

12 Q Did you see McMahon with the defendant often?

13 A More times than not. He used to come by himself by
14 Richie's club or by the Bergin, but most of the times Charles
15 was around.

16 Q What about the defendant's brother John Carneglia, did
17 you see him with McMahon?

18 A Very rare.

19 Q Do you know how long McMahon had been around the
20 defendant and his brother?

21 A I don't know that answer. I don't know how long. It's
22 got to be as long as probably '86, '87. I don't remember even
23 seeing McMahon in '86, so maybe '87 or '88.

24 Q So around the time you met them is when you first knew
25 him to be with them?

1 A Yeah.

2 MS. SHARKEY: Objection. That's not the witness'
3 answer.

4 THE COURT: I will allow it.

5 Q You testified he was a goofy kid. Do you know what the
6 Carneglias kept him around?

7 A No idea.

8 Q Was the defendant frequently with his brother John?

9 A With John Carneglia?

10 Q Yes.

11 A Like I said earlier, very rarely because I didn't really
12 see John Carneglia that much.

13 Q What was John Carneglia's reputation within the Gambino
14 family?

15 A He was a tough guy.

16 Q What does that mean?

17 A He was capable of doing work, murders.

18 Q What happened to him?

19 A He went to jail for heroin dealing.

20 Q Do you know how many trials John Carneglia had before he
21 was incarcerated?

22 A Two.

23 Q Do you know why?

24 MS. SHARKEY: Objection.

25 THE COURT: I don't understand the question, do you

1 know why?

2 Q Do you know why he had a second trial?

3 MS. SHARKEY: Objection.

4 THE COURT: He was convicted once, is that what
5 you're trying --

6 MR. BURLINGAME: I'll ask the question differently.

7 Q Do you know if there was jury tampering in either of his
8 cases?

9 MS. SHARKEY: Objection.

10 THE COURT: Sustained.

11 Q You testified earlier that you had a discussion with
12 Carmine Agnello, John Gotti Junior and John Alite about jury
13 tampering in connection with Carmine Agnello's grand jury
14 testimony that arose out of some jury tampering.

15 Did the case that was involved in that jury
16 tampering, did that involve the defendant's brother?

17 A Yes.

18 MS. SHARKEY: Objection.

19 THE COURT: Sustained. Strike it.

20 Q You testified you saw the defendant about once a week.
21 Did there come a point in time when you stopped seeing him so
22 frequently?

23 A Yes, after Gotti Junior was arrested in '98.

24 Q Why did Gotti Junior's arrest in '98 cause you to stop
25 seeing the defendant so frequently?

1 MS. SHARKEY: Objection as to form.

2 THE COURT: I will allow it.

3 A Junior was arrested and initially he didn't get bail,
4 meaning Junior, and I didn't go out to Queens anymore. I
5 would meet Pete later on at other places. I never went out to
6 Queens. Very, very rarely I went out to Queens.

7 Q Who was Pete?

8 A Peter Gotti.

9 Q What was his position after John Gotti Junior was
10 arrested?

11 A He was a captain on the committee. Then by about mid-98
12 he became the acting boss.

13 Q Did you ever hear about the defendant renouncing his
14 membership in the Gambino family?

15 A No.

16 MS. SHARKEY: Objection.

17 THE COURT: I will allow that.

18 A No.

19 Q Would it be possible for him to get out of the family?

20 MS. SHARKEY: Objection.

21 THE COURT: Sustained, in that form.

22 Q Based on your understanding of the Gambino family rules,
23 would it be possible for any member of the Gambino family to
24 get out of the family?

25 MS. SHARKEY: Objection.

1 THE COURT: Develop with more specificity where he
2 might have learned about the problem of exiting the gang.

3 Q When you were inducted into the Gambino family, you
4 testified that you were told that there was only one way out,
5 on a slab. What did you understand that to mean?

6 A Can't be more clear than that. That.

7 Q What does it mean to be shelved?

8 A If you're a soldier, a captain or maybe somebody in
9 administration, and the administration tells you that you did
10 something wrong and they say that you're broken, you're on a
11 shelf. They take all your power from you. You're not that
12 wiseguy no more. You're sort of a nonentity, or
13 disenfranchised from the family. Your property of the family
14 but you have no power, zero.

15 Q As a captain in the Gambino family, is it important for
16 you to understand who are members in the Gambino family who
17 are shelved?

18 A Yes.

19 Q Did you ever hear about the defendant getting shelved?

20 MS. SHARKEY: Objection.

21 THE COURT: I will allow it.

22 A No.

23 THE COURT: This is up to what period?

24 Q When did you begin cooperating with the government?

25 A November of '02.

1 Q Up until that time had you ever heard about the defendant
2 being shelved?

3 A No.

4 Q Did the defendant have respect within the Gambino family?

5 A Yes.

6 Q Where did that respect come from?

7 A His loyalty to the Gottis and his capabilities.

8 THE COURT: That again is prior to 2002?

9 MR. BURLINGAME: I'm sorry?

10 THE COURT: Is that again prior to 2002?

11 Q Is it fair to say that all your knowledge of the Gambino
12 family comes from the period before you began cooperating?

13 A Absolutely.

14 Q So in the period before you began cooperating -- when in
15 2002 did you begin cooperating?

16 A I believe it was November.

17 Q So prior to November 2002 did the defendant have respect
18 within the Gambino family?

19 A Yes.

20 Q Where did that respect come from?

21 MS. SHARKEY: Objection to form.

22 THE COURT: I don't understand the question.

23 Q What was your understanding as to why he was a respected
24 member of the Gambino family?

25 MS. SHARKEY: Objection.

1 THE COURT: I don't understand. If he was a member
2 of the crime family that entailed respect. I don't understand
3 your line of questioning --

4 Q What was the --

5 THE COURT: -- as I understand it.

6 You understand, ladies and gentlemen, I don't know
7 anymore about this case than you do. I'm trying to direct the
8 questioning in a way that will be useful.

9 MR. BURLINGAME: Sorry, Judge. I can ask a better
10 question.

11 Q Did you have an understanding as to the defendant's value
12 within the Gambino family?

13 A Yes. He was very loyal to the Gottis, and a worker.

14 Q When you say he was a worker, what does that mean?

15 MS. SHARKEY: Objection.

16 THE COURT: I will allow it.

17 A He did the murders.

18 Q To your knowledge, did other members of the Gambino
19 family fear him?

20 MS. SHARKEY: Objection.

21 THE COURT: I will permit it.

22 MR. BURLINGAME: Sorry, Judge?

23 THE COURT: You may ask it.

24 Q To your knowledge, did other members of the Gambino
25 family fear the defendant?

1 A Yes. Anybody that does work you have a certain respect
2 that comes above regular wi seguy respect.

3 Q Are you aware of a particular instance in which the
4 defendant thought that he would be killed?

5 A Yes.

6 THE COURT: I think we'll break now. The roads are
7 still quite slippery in some places so be very careful. There
8 is going to be some black ice. Good night. Be here 9:30
9 Monday.

10 (Jury excused.)

11 THE COURT: Remove the witness, please, at your
12 earliest convenience.

13 (Witness leaves the courtroom.)

14 THE COURT: Sit down everybody.

15 What evidence are you going to have that is solid
16 about the killing of Louie Di Bono?

17 This is a murder conviction that you're seeking that
18 goes back almost 20 years. I cannot allow a murder conviction
19 to rest on idle talk among -- I say idle not to denigrate the
20 talk but to characterize what I heard up to now among people
21 in this alleged gang.

22 (Continued next page)

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1 THE COURT: (Continuing)

2 What do you have that's hard, besides this kind of
3 palaver?

4 MR. BURLINGAME: Judge, we have the testimony of
5 one -- a later cooperating witness who will put -- who was on
6 the murder of Louis Di Bono with the defendant and saw the
7 defendant shoot Louis Di Bono four times in the head.

8 THE COURT: Okay. That seems to me to be
9 straightforward evidence.

10 MR. BURLINGAME: Exactly.

11 So this witness can provide testimony that he heard
12 from other members of the Gambino Family about the people who
13 were on that hit, who did the shooting, why the shooting took
14 place, which is all information that is important for him to
15 know as a member of the family.

16 THE COURT: I didn't see that up until now, why it
17 is important for him to know that.

18 MR. BURLINGAME: He testified --

19 THE COURT: He already has told us that he was
20 meeting with these people and talking about this, not because
21 it was particularly important but because they were having
22 general discussions.

23 MR. BURLINGAME: Judge, we would like to brief it.
24 But the basic --

25 THE COURT: Yes. I think you'd better brief it. I

1 want to know exactly what you are going to rely on.

2 I think I know some of the Second Circuit decisions
3 and I think I know some of the Rules of Evidence that you are
4 relying on and some of the cases. I have allowed a good deal
5 of this kind of evidence to come in and written on it.

6 But we are now dealing with a murder and I want
7 something harder than material that is bruited among these
8 alleged gangsters.

9 MR. BURLINGAME: Correct, Judge.

10 I mean, I -- and we will -- thank you for the
11 opportunity to brief it.

12 But the short answer is, that I think once
13 the -- the foundation was laid, that the defendant testified
14 that information was a valuable commodity towards him carrying
15 other his duties in the Gambino Family --

16 THE COURT: Certainly, it is. It is generally. I
17 have allowed you to go pretty far, that he was a tough guy and
18 that he was a worker, meaning that he carried out, perhaps,
19 murders but certainly aggressive acts towards others.

20 But beyond that, why was it necessary for him to
21 know about this particular murder?

22 MR. BURLINGAME: But the -- with respect, Judge, I
23 don't believe that's the standard. I think the standard is
24 whether or not it is in furtherance of the conspiracy. If
25 they are all -- all of the people involved in these

1 discussions and the defendant are part of the same conspiracy,
2 and information is valuable to the goals of the conspiracy,
3 then the hearsay comes in. I think the law is quite clear on
4 that.

5 THE COURT: I understand that. I understand the
6 cases on it.

7 But we are dealing with a homicide that is 20 years
8 old and we know, and I suppose it will be elicited at some
9 point in the trial, that these mobsters are gossips.

10 MR. BURLINGAME: It will, Judge. In fact, I think
11 it's already been elicited.

12 With respect, I believe the fact that the murder is
13 20 years old goes to the weight that the jury should give the
14 evidence, not to whether or not it is admissible in the first
15 place.

16 THE COURT: No.

17 MR. BURLINGAME: If it qualifies under the rule, it
18 qualifies under the rule.

19 THE COURT: That isn't so. The Rule 403 is always
20 available to me, whether it technically comes within the rule
21 or not. I don't see that this kind of evidence hanging in the
22 air, hearsay evidence, has enough probative force to overcome
23 my Rule 403 qualms.

24 I suggest you brief, very thoroughly --

25 MR. BURLINGAME: We will.

1 THE COURT: -- how you expect to prove that this
2 defendant killed Louis Di Bono.

3 MR. BURLINGAME: Of course, Judge.

4 THE COURT: Then I will take it all into account.
5 But up to now, I have not been satisfied by what you have
6 done. I don't say this critically. It is a difficult case,
7 for everybody.

8 But I am going to insist upon briefing. When are
9 you going to get your brief in on this?

10 MR. BURLINGAME: We can -- when would Your Honor
11 like it?

12 THE COURT: In about five minutes.

13 MS. SHARKEY: We'd like to respond.

14 THE COURT: I will take what you can give me.

15 MR. BURLINGAME: At the end of the day tomorrow, be
16 sufficient?

17 THE COURT: I don't want to push you; but that seems
18 sensible. The end of the day tomorrow, and we will meet on it
19 at 9:00 o'clock Monday.

20 MR. BURLINGAME: Judge, just to -- I think the thing
21 that might be causing Your Honor some trouble, or at least my
22 understanding of it, might be since this is coming in through
23 the first witness --

24 THE COURT: No. Well, that's always a problem. But
25 I assume a lot more is coming in.

1 But he's told us, in effect, that these were just
2 conversations and not of any importance. If we had a
3 conversation where the underboss said, I am sending you out
4 with this defendant on this homicide and he's an experienced
5 man, you could depend on him because he did that homicide,
6 that's a different feature. But you haven't told me that.

7 I don't want to argue with you because it's all
8 hypothetical. But I have not been up to this moment satisfied
9 with this witness' testimony on this point.

10 MR. BURLINGAME: Very well, Judge.

11 We will brief it.

12 Thank you.

13 MS. SHARKEY: Judge, we will respond.

14 THE COURT: Yes, I know you will.

15 Is there anything else?

16 Any applications or motions?

17 MS. SHARKEY: No, Judge.

18 I just would note that the government provided us
19 with some additional 3500 material today and numerous
20 witnesses on that list when they provided the Court with a
21 witness list and the exhibit list.

22 I believe the 3500 material is complete at this
23 juncture. I hope so.

24 But the Court had previously directed the government
25 to provide us with the witness' names on the Friday preceding

1 the next week, which I understand the government is willing to
2 do.

3 We would just like to know which witnesses are
4 hitting the stand on Monday and Tuesday.

5 THE COURT: All right. You can do that outside of
6 court. You don't need me. I'm sure that the government will
7 cooperate.

8 MR. BURLINGAME: We will follow the Court's order
9 and tell them on Friday.

10 THE COURT: We have highly skilled professionals on
11 both sides.

12 MR. BURLINGAME: Thank you.

13 THE COURT: I'm sure you will work together.
14 Anything further?

15 MR. BURLINGAME: No.

16 MS. SHARKEY: No.

17 THE COURT: All right. Good night.

18 (Recess taken until February 2, 2009, at 9:00
19 o'clock am.)

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INDEXWITNESS:PAGE:

J O H N C A R I L L O	269
DIRECT EXAMINATION	270
CROSS-EXAMINATION	352
CROSS-EXAMINATION (Continued)	377
REDIRECT EXAMINATION	386
M I C H A E L D I L E O N A R D O	387
DIRECT EXAMINATION	387

1	285
250 to 261	326
262 to 278	334
2-A through 2-UUU	344
30	350
2-1, 2-2, 2-A to 2-UUU and 30	352
30	352

\$	2	
\$10,000 - 409:9 \$20,000 - 412:20	2 - 256:19, 345:4, 410:23, 415:12, 415:19, 417:25, 419:6, 420:3, 420:8, 420:10, 428:20, 429:2, 429:5, 429:13, 478:7, 491:18 2-1 - 352:10, 492:11 2-2 - 352:10, 492:11 2-a - 344:7, 344:22, 346:4, 352:10, 492:10, 492:11 2-aa - 346:19 2-aaa - 348:16 2-b - 346:5, 347:4, 457:18 2-bb-1 - 346:15 2-bb-2 - 346:17 2-bbb - 348:18, 349:25 2-c-1 - 346:14, 458:12 2-c-2 - 345:24, 458:6 2-cc - 351:17 2-d - 345:22, 346:5 2-dd - 351:19, 454:25 2-ddd - 348:24 2-e - 345:20, 346:6, 457:25 2-ee - 351:15, 451:24 2-eee - 349:1 2-f - 346:7 2-ff - 351:13 2-fff - 349:3 2-g - 346:8 2-gg - 351:11 2-ggg - 349:23 2-h - 346:8 2-hh - 351:9 2-i - 346:9, 347:6 2-ii - 351:7 2-iii - 352:2 2-j - 348:6 2-jj - 351:21 2-jjj - 352:4 2-k - 348:5 2-kk - 351:5 2-kkk - 349:19 2-l - 348:1 2-ll - 351:1 2-lll - 349:17 2-m - 347:24 2-mm - 350:24 2-mmm - 349:21 2-n - 347:22 2-nn - 350:22 2-o - 347:20 2-oo - 350:20 2-ooo - 349:13 2-pp - 350:16 2-q - 347:14, 462:2 2-qqq - 349:11, 350:18 2-r - 347:12 2-rr - 350:14 2-rrr - 348:22 2-s - 347:10 2-ss - 350:5, 462:16 2-sss - 349:7 2-t - 347:8 2-tt - 351:25 2-ttt - 348:20, 349:9, 352:6, 398:11 2-uu - 351:23 2-uuu - 344:7, 344:22, 349:5, 352:11, 492:10, 492:11 2-vv - 394:12 2-w - 347:2 2-ww - 348:8 2-x - 346:25, 455:2 2-xx - 348:10, 457:3 2-y - 346:23 2-yy - 348:12 2-z - 346:21 2-zz - 348:14 20 - 316:2, 338:25, 485:18, 488:7, 488:13	200 - 267:12, 302:18 2000 - 254:15, 330:15 2002 - 330:23, 337:19, 483:8, 483:10, 483:15, 483:17 2003 - 331:7 2004 - 272:8, 272:11 2006 - 273:1, 331:16 2007 - 331:22 2008 - 264:21, 264:25, 268:21, 283:14, 332:9 2009 - 252:6, 491:18 20s - 401:21, 405:4 20th - 328:17 21st - 328:18 225 - 252:22 23 - 401:24, 402:3, 408:8 23rd - 331:16, 340:15, 343:4 24 - 390:8 24th - 331:16, 406:18, 426:2 25 - 329:8, 336:23 250 - 324:17, 326:18, 327:11, 492:9 251 - 329:9 252 - 329:9 253 - 329:9 254 - 329:9 255 - 329:10 256 - 330:21 257 - 331:6 258 - 331:14 259 - 331:15, 445:16 26 - 252:17, 336:23 260 - 333:5, 422:18, 445:16 261 - 324:17, 326:18, 333:5, 492:9 262 - 333:8, 334:12, 335:19, 492:10 263 - 335:20 267 - 338:18 269 - 339:13, 492:3 27 - 331:21, 336:24 270 - 340:14, 492:4 271 - 252:15, 340:23 272 - 341:5 273 - 342:14 274 - 342:13 276 - 343:15 277 - 343:15 278 - 333:8, 334:12, 344:4, 492:10 27th - 327:3, 337:11, 337:21 28 - 331:21, 337:11, 337:21 2805 - 252:17 282 - 408:9, 413:6, 413:8 285 - 492:9 29 - 252:6 2:00 - 375:14, 375:23 2nd - 327:4, 331:7, 341:23
,		
'02 - 390:6, 482:25 '05 - 391:6 '70s - 450:15 '85 - 421:7 '86 - 450:19, 469:5, 475:23, 476:15, 478:22, 478:23 '87 - 476:15, 478:22, 478:23 '88 - 390:8, 406:18, 426:2, 460:10, 468:21, 478:23 '90 - 460:10, 463:3, 464:11, 466:23, 470:23, 472:23, 472:24 '90s - 456:8 '91 - 380:11, 380:12, 464:11, 466:23 '98 - 380:11, 380:12, 460:16, 480:23, 480:24 'cause - 400:18		
/		
/saeufpblt - 430:25		
0		
08-cr-76 - 252:3		
1		
1 - 256:17, 285:16, 285:20, 285:22, 492:9 10 - 342:15, 412:19 10,000 - 413:2 100 - 281:7, 296:4, 339:8, 380:16 10013 - 252:20 101th - 447:19 10th - 252:19 11 - 258:14, 338:20 11201 - 252:16, 252:22 11242 - 252:18 11th - 327:13, 343:16 12 - 329:11, 343:16, 430:8 12-years-old - 470:5 12th - 327:13, 329:19 13 - 329:11, 330:22 13th - 329:19, 466:23 14 - 328:8, 330:22 15 - 330:22, 412:19 15,000 - 413:2 15th - 335:21 16 - 356:25, 399:25 16,1991 - 335:21 16th - 327:21 17 - 327:21, 332:9, 340:13, 399:25 19 - 339:14, 342:17, 474:8 1900s - 370:12 1950's - 296:12 1960's - 284:15 1976 - 258:14, 264:7, 264:21 1984 - 271:12 1986 - 476:4 1990 - 464:12, 476:16 1990s - 324:2 1991 - 336:2, 336:12, 336:18, 336:24, 380:8, 466:22 1992 - 271:13, 271:24, 272:11, 337:11, 337:21, 340:12 1993 - 338:20, 338:25, 339:14, 340:16 1995 - 271:24, 327:4, 340:24, 341:6 1996 - 327:14, 327:21, 341:23, 342:15, 342:17, 343:5 1998 - 272:5, 272:7, 343:17, 380:8 1999 - 328:8, 328:18, 329:11, 329:18		
		3
		3 - 256:19, 330:15 30 - 350:7, 350:11, 352:11, 353:10, 409:16, 462:19, 492:11, 492:12 30v - 352:12 326 - 492:9 334 - 492:10 344 - 492:10 350 - 252:19, 492:11 3500 - 357:23, 490:19, 490:22 352 - 492:4, 492:11, 492:12 377 - 492:5 386 - 492:5 387 - 492:6
		4
		40 - 409:16 403 - 488:19, 488:23
		5
		5 - 341:6 50 - 305:16, 353:15

50,000 - 409:16 500 - 324:11	304:17, 304:19, 304:20, 305:5, 305:12, 305:16, 305:23, 305:25, 306:2, 306:8, 306:13, 306:15, 306:19, 306:20, 306:25, 307:6, 307:8, 307:13, 308:8, 308:10, 308:11, 308:17, 309:4, 309:10, 309:20, 309:21, 310:1, 310:2, 310:11, 310:12, 310:23, 311:3, 311:25, 312:6, 312:14, 312:16, 312:21, 312:22, 313:20, 313:25, 314:2, 314:12, 314:18, 314:21, 314:25, 315:3, 315:12, 316:5, 316:6, 316:9, 316:18, 316:21, 316:22, 316:23, 316:24, 317:1, 317:4, 317:14, 317:21, 318:14, 318:16, 319:4, 319:10, 319:11, 319:13, 319:24, 320:1, 320:2, 320:3, 320:6, 320:24, 321:2, 321:8, 321:17, 322:1, 322:15, 322:22, 323:2, 323:7, 324:4, 324:8, 324:17, 326:9, 327:2, 327:19, 328:6, 328:16, 328:17, 329:20, 329:25, 330:4, 330:15, 330:22, 331:7, 331:16, 332:8, 333:8, 334:3, 335:15, 335:16, 336:18, 337:11, 337:22, 338:20, 338:25, 341:13, 342:6, 342:15, 342:23, 342:25, 343:12, 347:16, 353:3, 353:15, 354:2, 354:5, 354:18, 356:5, 356:8, 356:21, 357:11, 357:13, 357:15, 357:16, 358:6, 358:10, 358:11, 358:16, 359:5, 359:11, 359:15, 359:16, 360:25, 361:2, 361:10, 361:19, 361:24, 361:25, 362:1, 362:4, 362:20, 363:1, 363:8, 363:9, 363:11, 365:24, 366:14, 366:15, 366:19, 367:5, 367:8, 367:12, 368:2, 368:8, 368:17, 368:20, 369:1, 369:10, 369:15, 369:19, 370:8, 370:10, 370:11, 370:14, 370:16, 371:8, 371:9, 371:19, 371:24, 372:2, 372:4, 372:13, 372:14, 372:20, 373:4, 373:8, 373:12, 373:13, 373:16, 373:21, 373:22, 374:6, 374:11, 374:23, 375:3, 375:10, 376:5, 376:10, 376:17, 376:19, 377:7, 377:19, 378:7, 378:18, 379:4, 380:23, 381:19, 381:24, 383:8, 383:14, 384:17, 384:18, 385:3, 385:7, 385:14, 387:2, 388:2, 388:15, 388:16, 388:21, 389:16, 390:7, 390:16, 391:14, 393:8, 393:13, 393:14, 393:19, 395:4, 395:6, 395:16, 395:21, 395:23, 396:2, 396:3, 396:12, 396:13, 396:24, 397:9, 397:21, 398:1, 398:9, 398:13, 398:17, 399:8, 399:11, 399:16, 399:20, 399:21, 400:4, 400:6, 400:11, 400:23, 400:24, 401:3, 401:5, 401:10, 401:12, 401:24, 402:1, 402:4, 402:15, 402:25, 403:5, 403:18, 404:22, 405:12, 405:15, 405:16, 405:18, 406:5, 406:13, 406:16, 406:24, 406:25, 407:1, 407:3, 407:8, 407:16, 407:22, 407:23, 408:12, 408:15, 408:24, 408:25, 409:2, 409:4, 409:9, 409:10, 409:19, 409:21, 409:22, 409:23, 410:18, 411:2, 411:3, 411:5, 411:9, 411:13, 412:2, 412:3, 412:7, 412:8, 412:14, 412:18, 412:20, 412:25, 413:4, 413:6, 413:9, 413:11, 413:12, 413:17, 413:20, 413:21, 414:4, 414:5, 414:6, 414:9, 414:10, 414:13, 414:15, 414:16, 414:21, 414:25, 415:2, 415:8, 415:10, 416:1, 416:4, 416:6, 416:8, 416:15, 416:19, 416:20, 416:21, 416:23, 416:24, 417:2, 417:20, 417:24, 418:6, 418:20, 420:9, 420:12, 420:18, 420:21, 420:22, 420:24, 421:20, 422:7, 422:13, 422:15, 422:17, 423:13, 423:15, 423:18, 423:19, 423:20, 423:21, 423:22, 424:9, 424:13, 424:16, 424:18, 424:19, 424:22, 424:23, 424:24, 425:19, 425:20, 426:1, 426:3, 426:5, 426:10, 426:12, 426:14, 426:15, 426:17, 426:20, 427:6, 427:12, 427:13, 427:18, 427:19, 428:11, 429:4, 429:10, 429:11, 429:23, 429:25, 430:5, 430:6, 430:11, 430:16, 430:17, 430:18,	430:19, 430:23, 431:19, 431:22, 432:11, 433:25, 434:8, 434:12, 434:21, 435:1, 435:2, 435:3, 435:14, 435:21, 436:5, 436:8, 436:11, 437:3, 437:7, 437:8, 437:13, 437:16, 437:19, 437:20, 437:21, 437:24, 438:1, 438:2, 438:6, 438:9, 438:18, 438:19, 438:20, 438:22, 439:5, 439:6, 439:8, 439:21, 439:25, 440:1, 440:5, 440:13, 441:8, 441:17, 441:22, 442:7, 443:5, 443:21, 444:11, 444:23, 445:3, 445:12, 445:16, 445:17, 445:18, 446:2, 446:8, 446:11, 446:14, 446:17, 446:25, 447:1, 447:2, 448:6, 448:14, 449:13, 449:17, 449:18, 449:22, 450:17, 451:3, 451:22, 452:7, 452:21, 453:15, 454:7, 454:8, 454:9, 454:11, 454:13, 454:16, 455:8, 455:15, 455:17, 455:19, 456:4, 456:10, 456:20, 456:23, 457:8, 457:9, 457:14, 457:20, 459:3, 460:21, 461:3, 461:17, 461:25, 462:4, 462:10, 462:14, 462:15, 462:24, 464:16, 465:4, 465:10, 467:18, 468:2, 468:5, 468:18, 468:22, 468:24, 469:2, 469:15, 469:21, 470:12, 470:24, 471:16, 472:3, 472:14, 472:15, 472:19, 472:24, 473:3, 473:16, 473:20, 473:21, 473:24, 474:8, 474:10, 474:12, 474:17, 474:24, 475:18, 475:21, 476:18, 477:1, 477:2, 478:5, 479:5, 479:15, 480:2, 480:11, 480:20, 480:21, 481:11, 482:5, 482:8, 482:10, 482:12, 482:15, 483:23, 484:1, 484:8, 484:9, 484:13, 484:14, 485:1, 485:3, 485:17, 485:18, 486:5, 486:15, 487:4, 487:6, 487:14, 487:17, 487:18, 488:7, 489:6, 489:24, 489:25, 490:2, 490:6, 490:20 ability - 295:7, 296:17, 312:24, 314:19, 436:6, 464:22 able - 257:8, 257:14, 276:14, 277:21, 284:16, 294:18, 297:18, 309:14, 312:23, 313:25, 320:19, 322:21, 330:2, 334:8, 381:23, 386:7, 398:16, 445:23, 446:21, 465:4, 466:6, 470:12, 474:4 about - 256:10, 257:19, 258:24, 262:6, 262:23, 266:8, 267:4, 268:3, 275:20, 278:9, 282:20, 283:5, 283:9, 283:17, 283:20, 283:23, 288:6, 288:23, 290:4, 292:23, 294:5, 304:16, 304:25, 305:7, 305:19, 306:7, 306:8, 306:13, 306:17, 306:23, 307:2, 307:24, 308:2, 308:6, 308:15, 311:7, 312:13, 319:24, 320:21, 332:17, 339:7, 340:5, 356:14, 358:14, 361:2, 361:5, 361:9, 361:11, 362:14, 368:17, 368:19, 369:3, 370:1, 370:6, 376:16, 380:16, 381:8, 382:11, 383:11, 385:19, 386:18, 386:22, 389:23, 403:8, 409:4, 412:4, 412:7, 412:8, 413:19, 414:12, 415:21, 416:11, 422:18, 429:18, 431:15, 431:22, 432:4, 432:22, 433:1, 433:24, 434:1, 434:3, 434:21, 435:24, 438:15, 440:11, 441:9, 441:13, 441:14, 442:10, 443:8, 443:12, 443:24, 444:4, 444:6, 444:14, 444:15, 444:19, 444:21, 444:22, 444:23, 446:19, 448:17, 448:20, 450:3, 450:6, 452:13, 453:21, 453:23, 455:12, 457:1, 459:5, 459:8, 459:11, 459:14, 459:18, 460:14, 460:17, 461:1, 461:7, 461:12, 463:25, 464:11, 464:19, 464:25, 465:2, 465:11, 466:6, 466:16, 467:8, 467:15, 467:19, 468:9, 468:13, 468:22, 469:11, 470:1, 470:6, 470:11, 470:15, 470:21, 471:9, 471:21, 472:15, 474:4, 474:12, 474:20, 474:25, 475:5, 475:10, 475:16, 475:21, 475:24, 476:3, 478:16, 480:12, 480:20, 481:11, 481:13, 482:2, 482:19, 483:1, 484:7, 485:16, 486:12, 486:20, 487:21, 489:12 About - 430:8, 468:24 above - 290:11, 325:13, 485:2
---	---	---

absence - 425:2, 425:5
absolute - 261:13, 286:15, 314:23
Absolute - 436:10
absolutely - 257:25
Absolutely - 405:22, 405:25, 436:2, 439:7, 474:1, 483:13
abuse - 386:20
abused - 304:23
abuser - 371:15
abusing - 372:4
accepted - 303:21, 303:24
accomplished - 385:18
According - 377:18
according - 277:25, 307:15, 312:9, 374:8, 471:24
account - 489:4
accuracy - 323:8
accurate - 325:14, 325:16, 325:22, 334:1
accurately - 344:18
accused - 361:20
achieve - 266:23
acknowledging - 301:14
acquire - 468:9
act - 308:12, 438:9
Acting - 429:1
acting - 289:7, 289:8, 289:9, 289:10, 289:23, 290:3, 450:17, 481:12
action - 406:13, 407:21
active - 384:17, 446:5, 446:10
activities - 291:18, 292:1, 293:24, 294:21, 303:17, 303:19, 306:14, 309:9, 309:11, 311:4, 313:19, 317:19, 317:22, 319:11, 320:7, 320:8, 320:12, 355:3, 374:3, 374:10, 459:15, 465:3
activity - 265:5, 274:25, 277:19, 279:2, 279:10, 288:8, 307:8, 317:6, 319:13, 320:5, 322:12, 366:25, 374:13, 404:16, 434:22, 454:2
acts - 263:8, 265:14, 266:17, 308:9, 365:2, 371:21, 487:19
actual - 288:17
actually - 298:15, 363:20, 402:20, 424:24
Adams - 351:18
add - 438:3
addict - 422:7
addicts - 372:1
addition - 257:11, 263:11, 275:1, 321:12, 414:8, 456:16
additional - 299:2, 490:19
adjust - 327:19
administration - 261:1, 261:2, 286:22, 287:12, 291:12, 300:12, 316:24, 316:25, 394:3, 394:5, 406:24, 407:22, 416:7, 418:7, 482:9
administrative - 253:15
admissible - 488:14
admission - 334:12
admit - 326:17, 344:21, 350:10, 395:8
admitted - 344:23
Admitted - 326:19, 334:14, 350:12, 352:14
adult - 400:16
advice - 396:13, 447:4
advising - 286:25
advisor - 286:21, 287:1
affairs - 276:21
affect - 373:18, 373:19, 472:1
affiliated - 393:16
Affiliates - 439:1
affiliation - 387:20
afforded - 255:11
afraid - 262:10
after - 263:14, 303:6, 319:20, 350:3, 362:4, 375:19, 380:10, 421:3, 422:11, 425:15, 427:14, 429:22, 430:4, 431:1, 432:18, 433:6, 440:21, 446:17, 447:15, 450:19, 450:22, 453:14, 460:10, 466:25, 475:23, 480:23, 481:9

After - 259:13, 272:19, 358:19, 414:23, 416:19, 423:6, 432:23, 444:12, 463:13
afternoon - 266:9, 352:22, 352:23, 377:4, 377:5
Again - 269:9, 272:2, 273:16, 281:17, 308:25, 312:9, 321:19, 328:6, 338:9, 343:11, 380:2, 399:9, 438:8, 439:11, 440:3, 444:19, 445:21, 472:3
again - 257:18, 259:24, 272:22, 274:25, 280:9, 308:22, 317:15, 319:12, 321:4, 321:8, 321:10, 366:17, 367:12, 367:24, 380:17, 404:18, 428:13, 429:25, 434:19, 434:24, 441:7, 453:8, 453:11, 473:1, 483:8, 483:10
against - 258:20, 258:22, 264:17, 265:25, 266:4, 280:13, 307:20, 357:14, 357:17, 358:6, 372:3, 386:16, 386:22, 434:4, 435:14, 437:24, 444:8
age - 293:2, 293:3, 293:9, 293:11, 293:12, 313:23, 314:2, 400:1
agencies - 280:5, 323:13, 355:18, 378:25, 379:7, 379:8
Agent - 260:14
agent - 360:18, 360:20, 374:17
agents - 253:24, 355:18, 360:9, 373:23, 449:21
aggressive - 487:19
Agnello - 331:17, 351:20, 454:13, 454:15, 455:1, 455:5, 455:9, 480:12
Agnello's - 480:13
ago - 291:12, 423:20, 434:6, 474:8
agree - 269:7, 295:14
agreed - 261:24, 263:1
agreement - 267:4, 279:1, 280:10, 280:13, 280:24, 281:1, 281:9, 365:18
ahead - 253:16, 261:15, 327:20
aid - 264:22, 265:3
Aida - 438:2
air - 488:22
Albert - 258:12, 263:13
Alcohol - 386:20
alcohol - 372:9
alcoholic - 371:14
alcoholics - 372:1
Alert - 349:20
Alite - 351:16, 363:20, 451:21, 452:1, 452:6, 452:7, 453:21, 453:23, 454:2, 454:12, 454:21, 454:24, 456:4, 456:15, 480:12
alive - 266:20, 319:22, 391:22, 391:23, 462:25
all - 257:8, 258:3, 262:23, 265:3, 268:13, 277:25, 288:1, 292:23, 294:5, 300:16, 303:16, 304:2, 306:21, 309:8, 329:24, 329:25, 330:1, 353:23, 354:5, 355:23, 359:20, 365:12, 366:5, 368:14, 368:16, 371:3, 374:8, 374:18, 376:21, 380:17, 387:5, 394:14, 395:16, 397:14, 398:2, 399:8, 400:5, 412:22, 415:3, 422:3, 422:12, 427:10, 432:19, 432:20, 433:7, 434:10, 434:20, 441:1, 444:8, 446:25, 448:18, 454:19, 472:1, 472:5, 482:11, 483:11, 486:14, 487:25, 489:4, 490:7
All - 269:18, 322:4, 326:25, 329:23, 330:11, 335:18, 337:10, 353:24, 357:24, 372:16, 376:8, 376:25, 393:24, 425:1, 425:3, 425:6, 425:11, 435:19, 491:5, 491:17
alleged - 475:1, 485:21, 487:8
alleges - 408:16
allegiance - 261:12
allow - 308:4, 308:24, 310:20, 312:8, 314:11, 319:16, 362:25, 388:19, 389:22, 405:24, 419:4, 436:4, 444:18, 474:15, 479:4, 481:2, 481:17, 482:21, 484:16, 485:18
allowed - 255:19, 274:10, 274:24, 304:3, 443:2, 487:4, 487:17

allowing - 474:6
almost - 288:13, 423:20, 449:16, 449:21, 485:18
Almost - 417:15
Alogna - 335:5, 335:7, 337:6, 345:13
alone - 266:2, 278:16, 278:17, 325:6, 353:12, 384:15, 385:22, 467:4
along - 330:5, 353:25, 456:1, 461:17
Alonga - 345:13, 346:4
alongside - 262:24
Alphonse - 328:9, 328:18, 331:18, 332:1, 332:11, 333:1
already - 267:24, 280:12, 356:1, 424:10, 424:11, 441:5, 441:18, 442:2, 442:3, 486:19, 488:11
Alred - 328:16
also - 254:13, 259:16, 263:23, 270:23, 273:22, 277:21, 280:7, 287:5, 287:8, 287:22, 290:17, 293:8, 293:22, 295:3, 297:13, 302:5, 302:12, 303:11, 303:16, 303:20, 303:25, 304:1, 304:4, 307:2, 311:19, 311:22, 319:6, 320:8, 330:5, 337:22, 339:11, 339:21, 345:11, 345:13, 345:15, 345:17, 345:18, 345:19, 345:21, 345:23, 346:16, 346:20, 346:22, 346:24, 347:1, 347:5, 347:11, 347:13, 348:7, 348:9, 348:11, 348:17, 348:25, 349:2, 349:12, 349:18, 350:7, 350:15, 350:17, 350:23, 350:25, 351:10, 351:14, 352:1, 352:3, 358:25, 367:3, 367:19, 370:6, 371:13, 372:23, 378:22, 402:14, 402:19, 402:25, 408:6, 409:19, 413:4, 418:22, 431:7, 431:18, 436:20, 438:2, 461:3, 462:10, 469:11
Also - 396:13, 401:25, 446:23, 452:21
Alstatt - 332:7
alternates - 257:16
Although - 320:4, 381:23
although - 307:20, 313:17
altruistic - 356:3
Always - 378:8
always - 278:1, 290:13, 310:4, 311:25, 312:23, 318:12, 322:21, 356:16, 356:20, 358:23, 368:24, 369:6, 369:12, 375:1, 378:4, 382:8, 416:7, 424:4, 434:17, 435:10, 435:16, 435:20, 448:14, 449:19, 488:19, 489:24
Am - 252:6
am - 360:3, 367:11, 370:8, 373:21, 384:25, 404:5, 428:20, 429:2, 429:13, 441:8, 442:7, 445:13, 446:23, 471:7, 489:8, 490:3, 491:19
Amato - 351:14
Ambrosio - 341:25, 342:4, 342:5
America - 252:3, 260:16
Americans - 393:10
Amica - 441:24, 441:25
amico - 302:8
among - 259:6, 319:13, 366:10, 378:9, 476:12, 485:19, 485:20, 487:7
Among - 295:20
amongst - 276:4, 282:15
amount - 305:6, 306:2, 321:9
amounts - 365:13
Amuso - 335:11
An - 288:7, 297:6, 368:19, 373:14, 373:15, 374:5
an - 254:15, 256:9, 260:1, 260:9, 260:18, 260:24, 261:9, 261:13, 265:4, 265:16, 265:21, 265:22, 267:23, 268:3, 268:8, 270:10, 270:19, 271:20, 274:4, 274:17, 277:9, 278:25, 280:10, 280:12, 280:24, 281:1, 281:5, 283:17, 283:20, 283:23, 285:25, 287:1, 287:22, 288:6, 288:17, 289:10, 290:1, 290:13, 290:18, 290:19, 290:22, 291:16, 292:7, 292:25, 293:3, 293:7, 293:15, 293:17, 294:2, 294:9, 294:19, 295:9, 295:14, 295:21, 295:22, 296:2, 296:8, 297:5, 298:1, 298:4, 298:7, 299:4, 299:19, 302:8,

303:6, 303:15, 305:5, 307:2, 310:2,
311:9, 311:19, 311:23, 311:24, 311:25,
312:6, 313:6, 314:18, 314:21, 314:25,
315:5, 317:16, 317:18, 319:3, 319:9,
320:2, 321:1, 321:3, 332:18, 334:23,
337:20, 346:2, 354:23, 358:19, 361:7,
362:7, 365:7, 366:18, 366:22, 368:19,
369:2, 369:5, 371:6, 371:7, 371:10,
371:14, 373:6, 373:11, 374:8, 374:23,
375:4, 375:24, 384:23, 386:12, 387:20,
389:15, 392:11, 394:3, 395:3, 396:12,
399:14, 400:16, 402:19, 403:18,
403:23, 404:14, 404:15, 404:22,
404:25, 405:15, 405:17, 405:20, 406:1,
406:20, 406:25, 407:4, 407:9, 407:15,
408:3, 409:14, 409:22, 412:16, 412:24,
415:17, 416:3, 416:15, 417:13, 418:10,
421:8, 423:10, 427:19, 432:2, 432:13,
434:19, 434:24, 436:5, 436:8, 436:18,
436:25, 437:13, 438:20, 439:5, 439:12,
439:16, 440:15, 441:13, 441:20, 443:7,
443:9, 444:10, 445:11, 446:19, 446:23,
447:1, 449:4, 450:1, 450:17, 450:21,
452:4, 452:19, 453:17, 454:22, 459:21,
468:2, 468:8, 471:6, 473:23, 477:20,
478:1, 484:11, 490:4

Analysis - 272:10

And - 253:7, 254:13, 254:19, 261:2,
262:2, 264:3, 265:9, 268:3, 268:21,
278:20, 279:12, 280:23, 285:5, 288:10,
294:5, 296:13, 298:23, 301:4, 301:13,
301:16, 302:6, 302:25, 305:3, 308:22,
310:1, 316:12, 317:14, 324:3, 324:25,
326:12, 333:13, 333:16, 335:13,
339:11, 340:11, 341:14, 343:19,
377:23, 378:7, 378:9, 378:16, 378:25,
379:10, 379:13, 379:16, 380:7, 381:13,
381:16, 383:16, 383:23, 391:7, 394:8,
397:8, 405:3, 405:14, 409:10, 410:19,
413:8, 415:3, 416:23, 418:12, 423:16,
431:7, 431:19, 433:20, 433:22, 447:15,
448:3, 448:10, 449:6, 454:16, 455:2,
456:19, 459:3, 460:14, 460:17, 460:25,
461:3, 466:2, 466:5, 467:6, 470:11,
470:25, 472:21, 473:1

and - 252:10, 252:18, 253:6, 253:8,
253:24, 254:3, 255:24, 256:7, 256:18,
256:19, 256:20, 257:6, 257:16, 257:17,
257:21, 257:22, 258:1, 258:6, 258:14,
258:17, 258:20, 258:22, 259:2, 259:5,
259:8, 259:18, 260:3, 260:5, 260:8,
260:9, 260:13, 260:15, 260:21, 260:22,
260:24, 261:1, 261:3, 261:9, 261:13,
261:17, 262:2, 262:15, 262:17, 262:19,
262:20, 262:23, 263:1, 263:3, 263:22,
263:25, 264:1, 264:2, 264:3, 264:14,
264:16, 264:22, 264:24, 265:2, 265:3,
265:5, 265:12, 265:15, 265:18, 265:22,
266:3, 266:5, 266:6, 266:14, 266:17,
266:19, 266:20, 266:21, 266:25, 267:4,
267:11, 267:15, 267:20, 268:2, 268:4,
268:9, 268:14, 268:15, 268:16, 268:18,
268:19, 268:21, 268:22, 269:1, 269:5,
269:6, 269:8, 269:12, 269:21, 269:23,
270:22, 270:23, 270:24, 270:25,
271:17, 271:18, 272:3, 272:10, 272:12,
273:3, 273:8, 274:8, 274:13, 275:23,
275:24, 276:13, 276:14, 276:21, 277:9,
277:10, 277:16, 277:17, 277:20,
277:25, 278:2, 278:7, 278:21, 278:22,
279:2, 279:7, 280:12, 280:19, 281:6,
281:9, 282:14, 282:20, 283:2, 284:16,
284:17, 284:18, 284:23, 286:6, 286:12,
286:17, 286:18, 287:1, 287:5, 287:9,
287:10, 287:13, 288:2, 288:3, 288:4,
288:11, 288:12, 288:15, 288:20, 289:8,
289:9, 289:20, 290:7, 290:11, 291:19,
291:20, 292:5, 293:7, 294:8, 294:21,
295:6, 295:16, 296:4, 296:17, 297:6,
297:10, 297:19, 298:17, 298:18,

298:25, 300:2, 300:8, 300:11, 300:23,
301:11, 302:8, 302:16, 302:17, 303:7,
303:17, 303:23, 304:3, 304:20, 305:15,
306:3, 306:13, 306:14, 306:24, 306:25,
307:2, 307:12, 307:23, 308:11, 308:14,
309:9, 309:21, 311:23, 313:3, 313:11,
313:18, 313:22, 313:25, 315:9, 315:19,
315:25, 316:1, 316:21, 318:6, 319:5,
319:11, 319:13, 321:4, 321:7, 321:10,
321:12, 322:1, 322:10, 323:19, 323:22,
324:17, 325:12, 325:16, 325:25, 326:6,
326:22, 327:5, 327:7, 327:10, 327:13,
327:15, 327:17, 327:21, 327:23, 328:1,
328:3, 328:4, 328:10, 328:11, 328:12,
328:15, 328:16, 328:17, 328:18,
328:21, 328:24, 329:1, 329:3, 329:9,
329:11, 329:14, 329:16, 329:19, 330:1,
330:6, 330:8, 330:12, 330:18, 330:22,
331:1, 331:3, 331:4, 331:9, 331:12,
331:13, 331:16, 331:18, 331:20,
331:24, 332:2, 332:4, 332:5, 332:6,
332:10, 332:12, 332:15, 333:5, 333:8,
333:24, 335:3, 335:5, 335:8, 335:10,
335:12, 335:14, 335:21, 335:23,
335:25, 336:4, 336:10, 336:13, 336:14,
336:15, 336:17, 336:19, 336:21,
336:23, 336:24, 336:25, 337:3, 337:5,
337:7, 337:11, 337:21, 337:25, 338:2,
338:5, 338:6, 338:19, 339:1, 339:3,
339:15, 339:18, 339:24, 339:25,
340:15, 340:19, 340:25, 341:1, 341:2,
341:4, 341:8, 341:14, 341:15, 341:20,
342:5, 342:6, 342:8, 342:13, 342:16,
342:18, 342:19, 342:21, 342:22,
342:24, 343:1, 343:6, 343:8, 343:9,
343:16, 343:20, 344:18, 345:8, 352:11,
352:24, 353:11, 357:19, 357:23,
357:25, 358:12, 361:9, 362:24, 362:25,
365:1, 366:5, 366:16, 369:2, 369:6,
372:1, 372:4, 373:6, 374:5, 374:9,
374:12, 375:2, 375:17, 375:19, 377:16,
377:17, 378:7, 378:16, 380:4, 382:5,
382:6, 382:18, 382:21, 383:10, 383:23,
384:5, 384:14, 385:9, 385:15, 385:20,
386:10, 387:2, 387:11, 387:13, 388:25,
389:23, 389:24, 390:23, 391:13,
391:16, 391:20, 391:23, 391:25, 392:6,
393:5, 393:23, 394:4, 395:24, 395:25,
396:1, 396:4, 396:6, 396:12, 396:16,
396:17, 396:20, 397:12, 398:3, 398:5,
399:7, 399:18, 399:21, 401:21, 403:9,
403:10, 404:2, 404:5, 404:18, 404:22,
405:18, 405:19, 406:6, 406:8, 406:14,
406:15, 407:9, 407:18, 408:8, 408:24,
409:5, 409:16, 409:24, 410:9, 410:10,
410:17, 410:18, 411:11, 411:12,
411:13, 411:23, 411:24, 412:3, 412:5,
412:14, 412:19, 412:22, 413:10,
413:11, 413:25, 414:5, 414:14, 414:20,
414:22, 414:23, 414:25, 415:1, 416:8,
416:14, 416:15, 416:16, 416:24,
417:24, 418:7, 418:14, 418:18, 418:24,
419:5, 419:13, 419:14, 419:16, 419:22,
420:15, 421:21, 421:22, 421:25, 422:1,
423:6, 423:7, 423:15, 424:12, 425:16,
425:17, 425:18, 426:10, 427:24,
428:12, 428:16, 429:17, 429:23,
429:24, 430:3, 430:5, 430:6, 430:7,
430:12, 431:1, 431:3, 431:6, 431:16,
432:11, 432:14, 432:16, 432:20,
432:24, 433:1, 433:2, 434:4, 434:5,
434:12, 434:18, 434:22, 435:1, 435:4,
435:6, 435:7, 436:20, 437:11, 437:12,
437:16, 437:19, 438:22, 440:9, 440:12,
440:19, 440:23, 441:3, 442:7, 442:9,
443:3, 443:7, 443:12, 444:6, 445:16,
445:22, 446:9, 446:11, 446:22, 446:25,
447:2, 447:11, 447:14, 447:18, 447:23,
447:25, 448:3, 448:5, 448:6, 448:7,
448:21, 449:7, 450:2, 451:4, 452:6,

452:7, 452:8, 452:13, 452:14, 452:24,
453:5, 453:10, 453:11, 453:13, 453:16,
453:17, 453:19, 453:25, 454:6, 454:12,
454:13, 454:17, 454:18, 454:21,
454:24, 455:21, 456:4, 456:12, 456:20,
456:22, 458:19, 458:20, 460:24,
461:17, 462:1, 464:3, 464:15, 464:24,
465:3, 465:11, 466:10, 466:18, 466:24,
468:1, 468:2, 468:3, 468:24, 469:6,
469:18, 470:19, 470:23, 471:3, 471:15,
471:17, 471:20, 471:22, 471:24,
471:25, 472:1, 472:4, 472:6, 472:23,
473:1, 473:6, 473:7, 473:18, 474:7,
475:5, 476:8, 476:9, 476:11, 476:20,
476:25, 477:12, 478:20, 480:12, 481:3,
481:4, 482:9, 482:10, 483:7, 484:6,
484:13, 486:6, 486:20, 487:3, 487:4,
487:5, 487:6, 487:10, 487:18, 488:1,
488:2, 488:8, 489:18, 490:2, 490:4,
490:19, 490:21, 491:4, 491:9, 492:11

Andrew - 455:20

Andriano - 364:7

Andy - 349:18

Angelo - 327:6, 331:13, 349:16,
349:22, 417:23

Aniello - 350:15

annuities - 414:4

anonymous - 279:4, 280:21

another - 259:25, 260:6, 271:4,
276:25, 277:7, 291:10, 302:4, 302:13,
304:6, 304:18, 306:7, 318:7, 332:25,
333:6, 342:24, 365:10, 368:1, 382:2,
428:7, 428:10, 428:16, 433:10, 433:11,
433:19, 435:4, 439:21, 442:8, 452:20

Another - 277:7, 346:18

answer - 299:25, 301:8, 308:4,
308:24, 357:18, 360:24, 361:4, 362:2,
362:6, 362:18, 362:23, 362:25, 365:14,
365:19, 365:22, 371:6, 371:7, 441:23,
445:19, 453:7, 463:15, 465:8, 469:24,
478:21, 479:3, 487:12

Answer - 432:8

answered - 472:4

answering - 301:10

Anthony - 252:21, 327:6, 327:8,
327:9, 328:2, 328:18, 331:10, 332:2,
332:12, 335:4, 335:14, 335:24, 341:3,
341:8, 341:11, 341:18, 347:3, 348:17,
348:23, 349:18, 364:9

anticipate - 254:8, 254:14, 254:16

Any - 294:8, 351:3, 371:11, 404:16,
490:16

any - 254:22, 255:12, 255:15, 257:3,
257:19, 257:20, 275:7, 275:10, 275:20,
281:7, 285:1, 285:7, 286:24, 291:4,
293:12, 294:1, 298:15, 301:25, 302:11,
303:9, 303:12, 303:20, 304:6, 304:8,
305:15, 323:2, 325:3, 329:24, 330:2,
354:10, 356:3, 356:10, 356:13, 361:19,
362:15, 364:23, 365:5, 371:11, 372:10,
375:12, 376:13, 380:20, 380:23,
387:20, 388:4, 388:25, 389:2, 389:7,
393:16, 393:21, 395:2, 400:1, 401:3,
404:16, 405:1, 408:6, 409:12, 414:5,
415:8, 416:25, 419:24, 422:5, 432:10,
433:12, 437:6, 438:15, 438:23, 441:9,
444:1, 446:4, 447:22, 449:9, 451:7,
452:11, 452:13, 461:19, 467:21, 472:4,
475:1, 476:9, 477:14, 481:23, 490:2

anybody - 257:21, 286:16, 288:7,
300:9, 312:21, 318:17, 371:6, 371:23,
395:8, 408:25, 431:12, 441:3, 448:5,
451:18

Anybody - 389:24, 485:1

anymore - 301:22, 310:1, 313:19,
314:3, 367:20, 383:6, 384:13, 481:4,
484:7

anyone - 407:4, 410:15, 418:19,
420:18, 421:11, 445:23, 451:16

Anything - 280:5, 491:14

anything - 257:19, 265:15, 300:19, 306:4, 325:8, 333:20, 357:20, 360:19, 361:15, 382:3, 384:8, 384:22, 404:6, 404:7, 404:9, 412:8, 412:14, 413:19, 422:7, 431:15, 433:23, 454:18, 490:15
Anytime - 312:21
anyway - 308:20, 318:20
Anywhere - 377:21
apartment - 396:15, 427:19, 428:1, 428:4, 450:1, 450:2, 450:3, 450:4, 450:6, 450:8
apartments - 275:9
apparently - 474:9
appear - 338:9, 339:6
appearance - 370:6, 370:7
Appearances - 252:11
appeared - 340:20
appears - 341:19
application - 274:4, 274:9
applications - 357:6, 357:7, 490:16
applied - 268:22
applies - 255:7
apply - 386:16, 470:3
appointed - 286:19
appointment - 290:13
approach - 285:17, 319:10
approached - 318:6, 369:11, 455:13
appropriate - 298:7
appropriately - 312:3
approval - 298:11, 318:15, 420:20, 420:23, 422:10, 422:11
approve - 298:10
approved - 420:18, 422:8
approves - 421:24
approximately - 271:13, 377:11, 379:13, 379:24, 381:5, 464:10
Approximately - 270:8, 271:7, 273:5, 273:15, 283:7, 324:6, 324:9
April - 327:21, 335:21, 336:2, 466:23
apt - 308:13
arc - 265:5
Arcuri - 330:16, 330:20, 341:14
are - 261:2, 261:4, 261:5, 261:6, 261:7, 262:18, 263:4, 265:5, 265:11, 266:3, 266:4, 266:22, 266:23, 266:25, 268:8, 268:11, 268:18, 268:19, 268:22, 269:14, 270:17, 270:19, 274:10, 274:24, 275:1, 275:2, 275:5, 275:13, 275:15, 276:16, 276:21, 276:23, 277:11, 277:21, 278:4, 278:5, 278:20, 279:4, 279:12, 280:11, 280:21, 281:5, 281:6, 281:7, 282:23, 284:6, 284:20, 286:19, 286:22, 287:4, 287:6, 287:9, 287:15, 287:24, 288:9, 288:11, 288:12, 288:13, 288:14, 288:19, 289:21, 290:7, 290:20, 291:3, 291:16, 292:9, 292:11, 292:12, 292:16, 292:24, 293:2, 293:23, 294:4, 294:9, 294:10, 294:18, 295:6, 295:17, 295:19, 296:1, 296:16, 297:10, 298:20, 299:11, 299:22, 300:4, 301:8, 301:25, 302:3, 302:20, 302:25, 303:11, 303:17, 303:25, 304:1, 304:19, 305:3, 305:7, 305:19, 307:9, 307:17, 307:21, 308:7, 308:10, 308:13, 309:5, 309:13, 309:14, 310:6, 311:8, 311:13, 311:16, 311:20, 312:11, 313:6, 313:17, 313:18, 314:2, 314:4, 314:18, 315:18, 316:12, 317:8, 317:12, 320:18, 321:12, 321:17, 322:21, 323:15, 324:23, 325:5, 326:10, 330:9, 332:8, 333:13, 333:14, 337:16, 338:5, 338:10, 338:11, 340:9, 344:10, 344:16, 345:6, 354:22, 354:24, 355:7, 356:3, 356:16, 357:10, 358:13, 359:18, 360:1, 360:8, 363:2, 363:18, 365:12, 365:21, 366:3, 366:9, 366:19, 367:16, 368:24, 369:15, 370:1, 370:20, 371:16, 371:19, 371:25, 372:16, 372:25, 374:25, 376:13, 376:21, 379:21, 381:9, 381:10, 382:6, 382:8, 384:5, 384:7, 384:12, 384:14, 384:20, 384:21, 385:7,

386:9, 386:11, 386:13, 390:9, 393:24, 397:6, 397:11, 401:11, 403:1, 406:25, 410:2, 411:22, 412:11, 413:5, 424:9, 424:10, 425:7, 426:20, 426:24, 431:11, 431:22, 432:4, 433:1, 433:16, 434:4, 434:17, 434:20, 434:25, 435:17, 435:23, 435:24, 436:5, 437:7, 438:17, 439:11, 440:18, 440:19, 441:14, 441:15, 443:2, 443:19, 443:20, 444:14, 444:25, 445:1, 445:14, 445:21, 446:25, 452:22, 453:12, 453:17, 460:1, 463:22, 468:10, 474:6, 482:12, 482:16, 482:17, 485:6, 485:15, 487:1, 487:3, 487:6, 487:25, 488:1, 488:7, 488:9, 489:8, 491:3
Are - 255:4, 274:13, 275:4, 275:10, 277:21, 279:9, 281:25, 282:5, 282:11, 282:17, 288:25, 291:4, 292:3, 294:1, 295:24, 298:15, 298:20, 301:11, 301:13, 302:11, 303:2, 304:25, 307:4, 309:2, 309:16, 310:4, 310:22, 311:6, 311:12, 314:6, 315:15, 315:17, 316:3, 316:7, 316:15, 317:2, 317:8, 318:10, 320:13, 325:14, 325:16, 334:1, 339:6, 340:4, 356:25, 357:5, 362:19, 363:7, 363:11, 375:10, 389:2, 389:7, 390:11, 391:10, 391:22, 392:12, 396:6, 397:14, 400:20, 410:1, 422:15, 424:18, 434:15, 435:18, 435:20, 438:15, 438:23, 441:9, 452:13, 485:3
area - 270:23, 291:4, 291:5, 311:23, 382:2
areas - 293:21
aren't - 267:7, 309:25, 317:22
argue - 255:18, 490:7
arguing - 438:20
argument - 294:14, 416:15
arise - 288:25
arm - 258:18
Arm - 349:12
Armed - 262:1
armored - 260:2, 260:4, 263:19
armored-car - 260:2, 263:19
Army - 397:23
arose - 480:14
around - 254:17, 293:3, 293:21, 302:7, 317:25, 318:1, 388:4, 391:15, 395:16, 398:2, 399:25, 404:23, 405:9, 411:25, 422:3, 422:12, 422:18, 430:8, 432:19, 437:19, 438:12, 451:16, 455:25, 456:22, 458:20, 469:15, 476:18, 477:1, 477:3, 477:23, 478:15, 478:19, 478:24, 479:6
Around - 403:21
arranging - 418:23
arrest - 254:8, 254:15, 254:25, 256:4, 355:25, 403:16, 480:24
arrested - 261:24, 280:12, 356:15, 363:10, 403:12, 403:14, 418:7, 450:4, 456:11, 456:12, 470:22, 480:23, 481:3, 481:10
arrests - 273:7, 273:10
arrive - 477:11
artists - 376:13
Artuso - 419:23
As - 267:17, 287:13, 288:21, 321:1, 356:2, 372:9, 377:24, 381:20, 381:21, 386:12, 395:13, 395:25, 397:21, 409:14, 424:9, 428:4, 436:16, 467:18, 471:9, 482:15
as - 253:21, 253:25, 254:7, 254:9, 254:10, 254:11, 254:23, 255:8, 256:17, 256:19, 257:13, 258:9, 258:21, 259:4, 261:6, 261:13, 263:15, 263:19, 264:15, 266:7, 266:10, 266:12, 266:24, 267:9, 267:12, 267:15, 267:17, 267:21, 267:24, 268:8, 268:22, 269:2, 269:4, 269:9, 269:22, 270:19, 271:17, 273:22, 278:2, 278:6, 285:22, 286:22, 287:5, 287:6, 287:17, 287:19, 287:22, 288:13,

288:21, 294:17, 295:22, 297:2, 297:12, 297:23, 302:10, 303:12, 307:8, 310:1, 310:2, 313:20, 330:5, 330:7, 336:10, 338:12, 339:16, 345:11, 345:13, 345:15, 345:17, 345:18, 345:19, 345:21, 345:23, 346:16, 346:20, 346:22, 346:24, 347:1, 347:5, 347:11, 347:13, 348:7, 348:9, 348:11, 348:17, 348:25, 349:2, 349:12, 349:18, 350:15, 350:17, 350:23, 350:25, 351:10, 351:14, 352:1, 352:3, 353:15, 353:17, 353:22, 355:9, 355:10, 355:18, 356:20, 357:23, 359:22, 360:2, 361:2, 361:24, 365:10, 366:19, 367:13, 371:14, 372:9, 373:17, 373:18, 374:23, 375:4, 381:20, 381:21, 381:24, 383:24, 384:1, 384:5, 387:12, 394:11, 395:13, 398:6, 398:10, 398:17, 400:16, 403:3, 404:15, 405:18, 405:20, 406:10, 407:9, 410:22, 412:16, 412:24, 413:21, 418:25, 420:2, 422:15, 423:23, 428:15, 429:5, 429:11, 432:6, 432:21, 434:24, 436:16, 437:22, 441:1, 441:14, 441:17, 443:7, 444:10, 444:17, 445:6, 445:12, 446:19, 453:2, 453:6, 454:22, 460:21, 465:4, 465:6, 469:7, 470:12, 472:11, 472:21, 473:16, 473:21, 475:19, 478:6, 478:22, 481:1, 483:23, 484:5, 484:11, 486:15
ashes - 431:3
Asians - 323:10
Aside - 417:21
ask - 253:15, 254:10, 268:25, 286:6, 299:23, 300:3, 301:7, 326:21, 328:6, 329:24, 334:18, 376:4, 416:9, 480:6, 484:9, 484:23
Ask - 471:20
asked - 295:10, 360:7, 395:10, 396:15, 414:9, 414:12, 415:7, 416:11, 416:16, 430:12, 444:11, 472:3
asking - 301:1, 356:16, 373:3, 384:25
aspect - 365:8
aspects - 306:21, 353:19
aspirations - 295:15
aspire - 405:15
aspired - 398:1, 405:13, 405:14
Assaults - 399:13
assign - 289:6
assigned - 264:17, 271:14, 272:1, 272:8, 287:6
assignment - 270:21, 271:14, 271:15, 377:18, 377:24
assignments - 272:12
assist - 330:3
assistance - 376:11
Assistant - 252:15, 260:9, 260:13
assisted - 260:24
associate - 261:9, 278:6, 280:14, 288:6, 288:7, 292:7, 292:19, 292:25, 293:8, 293:15, 293:17, 294:2, 294:9, 295:4, 295:9, 295:14, 295:15, 295:21, 298:1, 298:4, 307:9, 310:3, 311:25, 312:6, 312:9, 316:22, 317:16, 317:18, 320:2, 322:23, 366:18, 368:19, 368:20, 370:4, 373:11, 373:14, 373:15, 374:8, 374:23, 375:5, 392:11, 392:17, 395:3, 403:19, 403:24, 404:15, 404:22, 404:25, 405:12, 405:15, 405:18, 405:20, 406:2, 406:20, 407:1, 407:4, 407:10, 407:16, 408:3, 409:14, 409:22, 412:16, 412:24, 414:9, 415:17, 416:3, 417:13, 418:10, 421:8, 434:25, 438:20, 439:2, 439:5, 439:12, 439:16, 439:21, 443:7, 443:9, 444:10, 446:20, 447:1, 450:21, 452:4, 453:17, 455:19, 468:3, 469:21, 477:20
Associate - 478:11
associate's - 424:12
associated - 261:7, 273:12, 277:17, 277:19, 311:9, 316:1, 318:2, 369:10
associates - 261:3, 261:5, 262:18,

263:25, 270:22, 270:25, 271:17, 272:3, 272:13, 273:3, 273:8, 275:23, 276:18, 277:8, 280:11, 282:14, 287:9, 287:10, 288:9, 288:11, 288:16, 288:19, 288:21, 289:20, 289:21, 291:20, 292:5, 292:24, 294:10, 295:6, 297:14, 307:4, 307:7, 307:15, 307:21, 307:23, 310:22, 311:6, 312:2, 313:1, 313:4, 315:10, 316:18, 317:5, 318:14, 319:13, 320:9, 321:11, 323:23, 354:25, 355:1, 366:7, 372:3, 373:16, 381:13, 410:3, 436:21, 443:12, 449:4, 452:14, 453:4, 453:10, 459:15

Associates - 261:6, 287:9, 293:2, 310:24

associating - 386:7

association - 365:1, 370:3

associations - 277:4, 277:6, 277:14, 277:16, 321:5, 321:10

Associations - 321:21

assume - 357:25, 489:25

assured - 297:8

At - 255:9, 255:17, 260:23, 271:15, 275:8, 284:11, 292:19, 293:9, 300:10, 313:10, 323:7, 355:20, 361:19, 370:24, 378:1, 387:20, 393:1, 405:5, 408:20, 417:20, 421:8, 430:11, 437:3, 447:24, 451:16, 476:16, 489:15

at - 253:18, 254:6, 254:9, 255:15, 256:22, 260:2, 260:12, 269:5, 271:21, 271:23, 272:17, 272:25, 275:14, 275:17, 276:12, 276:20, 277:11, 281:6, 286:11, 293:2, 293:11, 296:3, 298:11, 298:17, 299:15, 303:13, 303:22, 304:24, 305:8, 305:13, 313:10, 314:2, 316:19, 317:1, 321:6, 321:19, 322:20, 322:22, 323:16, 323:25, 326:9, 326:15, 327:4, 327:21, 327:22, 328:9, 328:18, 329:11, 329:12, 329:20, 330:15, 330:23, 331:7, 331:8, 331:17, 331:21, 331:22, 332:9, 332:22, 332:25, 333:15, 334:9, 334:11, 335:1, 335:21, 336:2, 336:12, 336:18, 336:24, 338:12, 338:20, 338:25, 339:14, 340:16, 340:24, 341:6, 341:19, 341:23, 342:17, 343:5, 343:12, 343:17, 359:20, 371:11, 374:18, 375:12, 375:13, 377:16, 378:21, 378:23, 379:22, 380:17, 388:25, 390:24, 392:10, 392:19, 393:3, 393:4, 393:17, 393:23, 394:8, 394:19, 394:21, 394:25, 396:13, 396:16, 399:15, 399:16, 402:12, 402:19, 402:20, 402:25, 403:7, 404:2, 404:3, 404:7, 406:10, 406:25, 408:18, 408:20, 409:12, 409:17, 410:16, 410:19, 411:23, 411:24, 412:1, 412:23, 414:24, 415:1, 415:2, 416:16, 416:19, 418:6, 420:15, 423:4, 429:23, 437:19, 439:3, 439:13, 440:1, 440:14, 440:16, 444:10, 447:22, 448:13, 449:18, 450:16, 450:20, 452:17, 453:12, 455:13, 455:25, 456:17, 468:17, 469:19, 469:22, 472:1, 472:5, 473:14, 473:18, 474:7, 475:24, 476:20, 476:24, 478:3, 478:4, 481:5, 485:11, 488:8, 489:19, 489:21, 490:22, 491:18

attach - 401:3

attack - 263:7, 355:17, 357:21

attacks - 263:16

attain - 387:25

attained - 415:15, 415:23, 419:10, 420:5, 428:24, 429:8, 429:16, 452:2, 457:6, 457:22, 458:3, 458:9, 462:6, 462:23, 478:9

attempt - 280:2, 358:19

attempting - 292:16

attend - 253:25, 305:7, 305:17, 321:13, 393:24, 394:1, 394:5, 452:11, 452:24, 453:4

attended - 362:15, 453:13

attending - 304:25, 452:13

Attorney - 252:13, 260:9, 272:1

attorney - 281:5

Attorney's - 270:10, 271:25, 272:22, 272:25, 355:21

attorneys - 355:24, 355:25

Attorneys - 252:15, 260:13

attrition - 422:22, 422:23

Attrition - 422:24

audacity - 260:5

audience - 257:2, 375:17, 376:13

Auggie - 346:20

August - 328:14, 329:2, 329:11, 329:16, 329:19, 330:19, 331:3, 332:3, 335:8, 335:10, 338:5, 338:15, 339:14, 342:9, 343:20, 346:20

Aurillio - 396:25

authority - 314:21, 436:8

authorized - 371:22, 372:2

auto - 283:1

autopsies - 263:22

available - 255:12, 255:15, 329:23, 488:20

Avenue - 410:10, 447:19, 471:1, 471:5, 472:13, 472:18

average - 377:20

avoid - 317:6, 355:9, 382:15, 412:12, 412:14, 432:11

aware - 357:5, 359:14, 359:17, 363:7, 363:11, 365:12, 381:10, 389:2, 389:7, 395:11, 395:13, 395:15, 449:17, 459:22, 459:25, 485:3

away - 309:23, 310:16, 314:14, 381:25, 383:9, 386:14, 417:24, 438:13, 446:23, 456:13, 456:15

Azara - 329:12

B

B - 252:9

back - 256:1, 260:5, 260:7, 262:14, 263:18, 274:24, 330:2, 340:4, 370:11, 375:13, 398:6, 404:9, 409:18, 415:3, 432:20, 440:23, 454:11, 461:24, 475:2, 485:18

background - 297:19, 322:12

bad - 365:2, 395:6, 422:6

badge - 259:1

bail - 267:8, 481:3

balance - 434:18

banks - 406:10

baptized - 451:10

bar - 411:2, 414:24, 416:21

Bar - 416:22

Barranca - 341:8, 341:11

barred - 268:17

bars - 276:19

Bars - 378:14

Bartolomeo - 328:25

base - 267:14, 409:22, 473:19

based - 282:5, 282:11, 284:20, 291:7, 339:9, 364:25

Based - 344:15, 481:22

basements - 299:12

basic - 270:19, 486:24

basically - 314:3, 382:7, 383:13, 434:10

Basically - 319:9, 321:3, 374:22

basis - 253:18, 253:19, 258:1, 271:22, 367:8, 378:18, 395:16

batch - 379:23

Bay - 328:9, 328:10, 410:9

Be - 322:7, 375:13, 485:8

be - 253:6, 254:10, 254:17, 255:11, 255:19, 256:3, 257:14, 258:10, 260:12, 263:4, 263:9, 265:17, 266:11, 267:8, 267:9, 267:13, 267:21, 268:17, 271:21, 274:6, 277:10, 280:16, 281:9, 286:8, 286:15, 287:21, 289:23, 290:2, 290:9, 290:22, 292:1, 292:14, 293:19, 293:21, 293:24, 294:10, 294:17, 294:18, 295:9,

296:2, 296:4, 296:5, 297:18, 298:23, 299:10, 299:19, 302:4, 302:16, 303:14, 303:24, 304:7, 304:20, 306:25, 309:19, 309:21, 309:24, 310:6, 310:13, 310:14, 311:2, 311:15, 311:18, 311:19, 311:22, 311:24, 312:2, 312:5, 312:9, 312:12, 312:20, 313:20, 315:1, 315:8, 315:12, 315:14, 316:1, 316:14, 316:24, 316:25, 317:25, 319:4, 319:6, 319:7, 319:12, 320:1, 320:10, 320:12, 321:2, 321:16, 323:1, 323:2, 324:8, 329:23, 330:2, 330:20, 333:3, 334:22, 338:13, 340:7, 345:4, 353:4, 355:2, 357:22, 358:18, 359:3, 360:4, 360:22, 365:17, 365:21, 366:23, 369:8, 369:9, 370:2, 370:16, 371:23, 372:7, 372:11, 372:13, 373:3, 373:13, 374:6, 374:9, 374:22, 375:7, 376:14, 378:20, 379:7, 380:16, 381:23, 382:6, 383:5, 383:7, 383:16, 383:18, 383:20, 383:24, 383:25, 384:1, 384:11, 384:13, 385:20, 386:7, 387:5, 388:23, 388:25, 389:6, 391:2, 392:12, 394:4, 394:14, 396:1, 397:21, 398:1, 400:19, 403:2, 403:23, 404:4, 405:15, 405:16, 408:12, 408:17, 409:16, 411:3, 411:6, 412:7, 412:8, 412:22, 416:20, 422:9, 424:24, 425:23, 426:6, 426:10, 426:11, 426:12, 430:19, 431:25, 435:8, 436:19, 436:23, 436:25, 437:10, 438:25, 439:15, 439:25, 440:1, 441:2, 441:7, 441:16, 442:10, 444:23, 445:22, 445:25, 446:5, 446:10, 447:22, 447:24, 448:2, 448:8, 452:16, 453:13, 453:25, 454:14, 454:20, 459:22, 459:25, 460:20, 463:9, 466:6, 470:7, 471:9, 471:20, 472:23, 474:3, 474:4, 475:18, 477:1, 478:22, 478:25, 481:19, 481:23, 482:6, 482:7, 484:8, 485:4, 485:7, 485:8, 486:8, 488:8, 489:15, 489:21, 489:22

Beach - 328:10, 342:15, 342:18

beard - 326:6, 387:2, 437:16, 437:19, 438:6, 438:8, 446:11

beards - 437:11

beatdowns - 266:14

beaten - 372:7

beauty - 399:17

became - 261:9, 261:11, 370:14, 393:8, 395:11, 403:18, 404:25, 406:1, 406:16, 407:8, 413:14, 421:3, 446:14, 446:17, 449:17, 457:14, 481:12

because - 258:5, 259:21, 259:25, 262:10, 262:19, 263:5, 266:18, 267:6, 267:10, 267:12, 268:15, 279:6, 288:19, 297:19, 299:17, 306:19, 307:21, 313:22, 356:6, 360:3, 371:18, 372:3, 374:1, 396:2, 403:8, 404:12, 411:25, 422:5, 443:20, 454:14, 454:17, 454:20, 455:23, 479:11, 486:20, 486:21, 490:5, 490:7

Because - 260:3, 314:4

become - 254:20, 282:19, 290:19, 292:25, 293:7, 293:9, 296:8, 297:13, 298:14, 303:15, 311:9, 354:5, 354:21, 355:22, 366:3, 368:22, 369:16, 373:7, 381:19, 390:7, 395:4, 395:15, 405:12, 405:15, 421:19, 423:13, 423:19, 424:13, 425:19, 426:1, 426:3, 434:24, 450:24, 455:17, 456:16, 456:19

becomes - 268:8, 295:21, 319:5

becoming - 295:15, 295:18, 295:24, 296:15, 297:8, 297:12, 297:15, 363:7, 389:16, 426:20, 426:22

bedside - 303:22

beef - 316:3, 316:5, 316:11, 399:20, 416:15, 438:19, 439:12, 449:13

beefs - 446:21, 449:10

been - 254:21, 264:16, 265:14, 269:21, 270:6, 271:6, 273:25, 275:4, 275:5, 275:6, 275:8, 275:9, 275:22,

278:21, 279:3, 279:20, 282:25, 285:18, 285:21, 287:20, 296:11, 296:13, 301:5, 301:20, 303:18, 320:4, 329:9, 338:19, 340:11, 343:11, 353:8, 353:18, 356:15, 357:15, 363:8, 363:10, 363:11, 365:20, 367:7, 372:2, 377:10, 377:12, 379:16, 380:2, 383:10, 387:11, 406:2, 422:12, 430:16, 442:2, 449:23, 456:11, 461:22, 478:19, 488:11, 489:5, 490:8
Before - 252:9, 273:17, 322:10, 425:15
before - 258:19, 303:8, 304:13, 305:13, 305:24, 306:1, 306:20, 321:1, 324:21, 329:21, 333:11, 356:18, 358:1, 367:12, 367:14, 372:18, 372:20, 376:3, 392:21, 393:1, 405:20, 417:9, 426:5, 431:5, 431:8, 431:12, 463:8, 472:23, 476:13, 479:20, 483:12, 483:14
began - 475:21, 476:3, 483:12, 483:14
begin - 284:11, 329:25, 375:19, 375:22, 390:5, 395:19, 482:24, 483:15
beginning - 281:6, 301:9, 367:18, 377:16
behalf - 268:25, 269:1
behaving - 312:2
behind - 259:17, 324:16, 336:4, 342:1, 342:21, 428:12
beige - 388:10
being - 265:7, 274:13, 275:2, 275:19, 277:17, 278:6, 292:17, 293:12, 297:20, 300:3, 300:7, 300:19, 300:21, 317:14, 317:22, 318:3, 368:19, 369:2, 372:7, 383:11, 386:9, 391:15, 401:6, 402:8, 408:18, 422:12, 438:13, 445:23, 456:5, 465:4, 468:8, 470:12, 483:2
believe - 301:22, 341:18, 365:24, 369:11, 391:6, 415:18, 427:8, 450:15, 454:7, 461:24, 461:25, 469:4, 472:13, 475:9, 475:23, 477:12, 477:15, 483:16, 487:23, 488:12, 490:22
believes - 267:13
belonged - 413:6
below - 312:22, 325:13, 368:20, 368:21
Below - 261:5, 287:4
beneficial - 369:8
benefit - 368:23, 372:19
benefits - 414:4
Bensonhurst - 391:18, 405:10, 405:11
Benton - 252:12
Bergen - 447:11, 447:18, 447:23, 447:25, 448:1, 448:3, 477:22
Bergin - 336:13, 336:19, 338:25, 339:15, 476:20, 476:25, 477:23, 478:14
besides - 286:25, 294:8, 408:18, 444:3, 486:2
best - 266:11, 355:10, 367:13, 399:2
bestowed - 383:10
bet - 399:7, 406:13, 406:14, 411:5
betray - 300:9, 301:14, 431:2
better - 267:5, 296:15, 308:11, 330:10, 336:6, 342:2, 371:12, 377:25, 411:6, 484:9, 486:25
Between - 353:11
between - 277:4, 280:18, 292:19, 316:12, 316:18, 337:13, 337:17, 359:1, 369:1, 404:22, 409:16, 412:18, 452:5, 466:24, 470:2
beyond - 262:13, 267:19, 268:12, 322:15, 487:20
Big - 350:25
big - 278:7, 407:16, 411:2, 414:4, 444:25, 448:18
bigger - 416:8
biggest - 368:7
Bilotti - 402:2, 402:17, 414:23, 414:24, 418:20, 418:21, 418:24, 419:14, 419:17, 420:15, 423:7, 425:17

Binoculars - 378:5
binoculars - 276:12
birth - 390:24
birthday - 448:18
bit - 304:16, 306:8, 328:7, 406:5, 428:11, 454:9, 465:11
Black - 370:14, 393:10, 393:11
black - 338:23, 341:20, 385:9, 393:13, 485:8
blackjack - 403:2
blame - 265:16, 454:19
blank - 260:2
blast - 260:7
bled - 342:1
block - 427:18, 427:22, 478:3
blood - 261:13, 263:19, 300:23, 304:13, 305:24, 306:3, 306:4, 430:23, 430:25, 431:5, 431:9, 431:10, 431:12
board - 286:12, 326:25, 327:12, 332:24, 336:1, 336:12, 336:18, 336:23, 338:13, 339:14, 339:16, 340:15, 340:24, 341:6, 341:20, 342:17, 343:4, 345:1, 345:9, 346:4, 381:2
Boards - 324:24
boards - 325:3, 325:8, 325:16, 325:20, 326:10, 326:12, 326:14, 326:22, 326:23, 332:16, 332:18, 332:19, 333:4, 333:7, 333:11, 333:16, 333:20, 334:4, 334:6, 334:8, 334:18, 334:19, 338:9, 338:11, 343:2, 343:12, 345:5, 345:6, 376:21, 380:17
Bobbie - 351:12
Bobby - 335:22, 336:2, 428:5, 428:6, 428:17, 428:22, 451:21, 456:19, 456:20, 456:24, 463:25, 464:9, 464:15, 464:16, 464:24, 466:9, 466:16, 466:21, 466:23, 468:13, 469:4
body - 263:14, 263:20, 416:24, 417:2
Bonanno - 284:23, 397:12
bond - 444:12
bonds - 433:17, 434:5
Bonner - 364:3
book - 298:17, 302:17
bookmaking - 292:12, 406:5, 406:12, 408:4, 411:1, 412:19, 412:24, 412:25
books - 298:12, 298:13, 298:15, 445:12, 445:14
Borghese - 336:4, 336:10, 457:16
Boriello - 336:2, 428:5, 428:6, 428:17, 428:21, 428:22, 451:21, 456:18, 456:19, 456:24, 457:15, 463:20, 463:25, 464:5, 464:10, 466:16, 466:22, 468:4, 468:13
Boriello's - 469:1
borough - 452:20
Borriello - 336:11, 351:12
Borriello - 335:22
boss - 259:20, 260:24, 260:25, 286:14, 286:18, 286:19, 286:25, 287:1, 287:6, 287:13, 289:6, 289:18, 290:5, 290:6, 290:9, 290:11, 290:13, 298:6, 298:7, 298:12, 299:21, 300:12, 300:21, 310:10, 314:21, 314:25, 315:9, 316:23, 318:19, 371:11, 372:12, 373:4, 388:24, 392:6, 392:18, 392:21, 392:25, 393:4, 393:23, 394:4, 394:8, 397:1, 404:3, 407:2, 407:3, 407:9, 407:18, 409:23, 410:17, 410:19, 416:15, 418:11, 419:12, 420:21, 420:24, 421:3, 421:22, 421:24, 432:10, 432:13, 432:15, 432:17, 435:23, 435:24, 436:8, 436:12, 436:20, 436:23, 437:15, 438:6, 439:8, 439:14, 439:24, 440:17, 441:2, 441:25, 442:1, 447:6, 449:3, 449:8, 462:8, 476:9, 481:12
boss's - 315:3, 315:13, 436:15, 436:22
bosses - 289:9, 305:4, 321:8, 372:21, 392:21, 392:25, 397:8, 420:23
both - 286:19, 355:17, 369:14, 371:4,

441:17, 442:2, 463:12, 463:22, 471:18, 472:7, 473:5, 473:7, 474:6, 477:6, 491:11
bother - 404:12
bothered - 383:5
bothering - 396:14
bottom - 327:7, 327:9, 328:15, 328:24, 329:2, 329:3, 329:17, 331:4, 331:5, 331:12, 331:19, 332:4, 332:6, 332:13, 332:14, 335:9, 335:13, 336:16, 337:6, 339:3, 339:23, 339:25, 340:19, 341:3, 341:13, 341:14, 342:6, 342:7, 342:8, 342:23, 343:8, 343:9, 343:19
Bottom - 327:16, 328:2, 337:3, 338:5
Botz - 352:3
Boulevard - 328:10, 331:9
boxes - 344:5, 344:25
boy - 265:18
Boy - 347:1, 417:23, 455:13, 455:21
brag - 444:20
bragged - 258:24
bragging - 444:21, 444:23
Brancato - 351:10
bravado - 308:8
break - 322:1, 330:12, 375:11, 375:12, 375:13, 377:6, 399:17, 399:18, 424:22, 424:23, 425:15, 433:25, 485:6
breaking - 310:16, 433:24, 436:1, 444:4
breathe - 263:17
brief - 486:23, 486:25, 487:11, 488:24, 489:9, 490:11
briefing - 489:8
briefly - 274:2, 386:3, 448:25
bring - 256:1, 266:3, 330:12, 374:1, 376:3, 434:13, 449:7
Bring - 256:16, 376:8, 376:18
bringing - 312:10
Broadway - 252:19
broke - 393:1, 446:9
broken - 309:2, 309:5, 309:21, 372:14, 434:20, 435:12, 482:10
Broncato - 341:4
Bronx - 324:5
Brooklyn - 252:5, 252:16, 252:18, 252:22, 253:6, 258:13, 340:25, 341:24, 391:18, 401:18, 401:20, 405:7, 405:10, 410:9, 416:22, 447:11, 471:1, 471:4, 472:14
brother - 351:4, 391:24, 423:6, 425:16, 431:6, 454:15, 457:17, 461:24, 462:9, 475:6, 477:15, 478:16, 478:20, 479:8, 480:16
Brother - 346:22
brother-in-law - 454:15, 457:17
brothers - 391:20, 391:22, 475:16
Brothers - 420:1
brought - 267:24, 268:8, 434:9, 438:10
Brown - 396:1, 396:6, 396:24
Brown's - 447:12
Bruce - 362:7
bruited - 487:7
Brush - 257:24
brutal - 263:16
brutally - 264:7
Bud - 346:16
bug - 274:6, 276:1
bugged - 449:19, 449:23, 450:5, 450:9
bugs - 273:22, 275:6, 275:10
building - 253:5
buildings - 403:4
Bull - 347:13, 351:20, 416:2
bullet - 263:20
bullet-ridden - 263:20
burden - 258:6
burglary - 303:13
Burke - 327:22, 351:8
Burlingame - 252:13, 253:20, 253:23,

254:3, 254:13, 255:23, 256:8, 256:15, 260:13, 269:19, 269:25, 270:3, 285:15, 285:19, 286:2, 291:2, 297:1, 321:24, 322:8, 322:18, 322:19, 326:7, 326:17, 329:7, 330:13, 334:11, 334:16, 335:16, 335:19, 338:18, 344:2, 344:21, 345:3, 345:6, 346:3, 346:14, 348:5, 350:10, 352:8, 352:13, 352:16, 353:25, 357:8, 360:5, 360:16, 362:22, 363:13, 363:15, 365:4, 376:9, 376:19, 376:23, 379:18, 386:3, 386:5, 387:4, 387:8, 387:16, 387:19, 388:11, 394:14, 399:1, 424:2, 424:24, 425:13, 443:1, 466:1, 469:10, 471:12, 471:19, 474:2, 475:2, 480:6, 483:9, 484:9, 484:22, 486:4, 486:10, 486:18, 486:23, 487:9, 487:22, 488:10, 488:17, 488:25, 489:3, 489:10, 489:15, 489:20, 490:10, 491:8, 491:12, 491:15
burn - 300:8, 431:2
burnt - 300:25
business - 274:21, 288:4, 293:7, 303:9, 305:8, 306:21, 307:3, 307:7, 307:10, 307:11, 307:12, 319:5, 369:2, 389:25, 404:6, 407:22, 408:24, 409:4, 409:24, 411:2, 411:21, 412:7, 412:9, 412:10, 418:9, 435:1, 435:3, 435:9, 447:2, 452:17, 477:16
businesses - 318:25, 477:14
But - 263:8, 265:20, 268:17, 280:11, 283:3, 296:16, 308:20, 313:23, 360:22, 368:22, 371:18, 384:2, 384:5, 384:21, 420:25, 434:19, 437:11, 438:2, 439:3, 439:5, 441:14, 446:9, 455:14, 486:24, 487:6, 487:12, 487:20, 487:22, 488:7, 489:5, 489:8, 489:24, 490:1, 490:6, 490:8, 490:24
but - 256:9, 257:25, 258:8, 261:7, 262:9, 265:22, 266:8, 267:10, 267:14, 280:22, 288:17, 299:18, 305:4, 306:4, 307:9, 307:17, 312:23, 341:17, 355:7, 355:23, 359:13, 360:1, 361:17, 362:24, 366:15, 367:19, 368:24, 370:16, 370:17, 371:8, 372:12, 372:15, 372:25, 373:16, 378:24, 379:3, 380:16, 381:6, 383:7, 385:20, 400:17, 412:4, 413:2, 434:12, 438:5, 441:3, 441:16, 443:4, 445:13, 453:2, 464:7, 476:2, 478:14, 482:14, 485:20, 486:21, 487:19, 489:17
Butch - 345:17, 427:18, 428:1, 429:4, 429:11
button - 287:18, 426:23, 426:25
by - 252:25, 257:2, 260:24, 261:25, 264:14, 264:17, 265:21, 265:23, 266:8, 267:13, 267:20, 268:16, 268:17, 271:20, 272:21, 273:21, 274:8, 274:22, 281:5, 284:4, 284:12, 285:1, 285:7, 286:15, 286:19, 287:6, 288:12, 292:11, 295:21, 296:5, 299:20, 300:4, 301:1, 301:11, 302:5, 303:20, 309:24, 313:7, 313:25, 314:14, 314:18, 315:25, 316:21, 317:18, 317:20, 318:6, 320:2, 326:23, 357:19, 358:20, 360:3, 360:9, 361:11, 362:7, 363:1, 367:17, 369:5, 370:19, 371:22, 372:11, 374:2, 374:23, 379:7, 384:19, 389:6, 391:2, 391:3, 392:6, 396:20, 397:3, 397:4, 397:9, 400:11, 400:17, 401:2, 403:25, 407:20, 408:25, 411:24, 420:18, 421:16, 427:8, 428:5, 436:5, 447:12, 455:23, 472:13, 476:11, 476:21, 477:12, 477:22, 478:1, 478:13, 478:14, 481:11, 489:5
By - 252:13, 270:3, 297:1, 308:7, 322:19, 330:13, 344:2, 352:21, 377:3, 380:4, 386:5, 387:1, 387:19, 390:4, 399:1, 424:2, 425:13, 443:1, 451:1, 466:1, 469:10

C

C - 269:20, 269:24, 387:10, 492:3,

492:6
Cacciopoli - 327:16, 328:21, 328:24, 328:25, 331:1, 331:12, 331:24, 335:2, 335:25, 336:8, 336:20, 336:21, 338:7, 338:15, 339:4, 342:7, 343:9, 343:10, 343:11, 343:19, 345:15, 346:5, 457:17, 457:19, 477:8
Cadman - 252:15, 252:22
calculating - 266:25
Cali - 332:5
Call - 269:18
call - 274:23, 284:8, 289:7, 306:9, 306:11, 309:22, 310:12, 313:23, 330:2, 373:12, 384:13, 384:23, 385:1, 400:16, 427:2, 427:14, 445:21, 461:20
called - 260:18, 261:1, 261:17, 267:4, 288:11, 306:8, 313:25, 319:24, 367:11, 367:14, 368:17, 372:23, 384:19, 384:21, 388:25, 389:18, 392:21, 393:9, 393:10, 393:11, 397:16, 400:19, 416:22, 420:22, 431:6, 431:23, 432:5, 432:24, 433:16, 434:8, 438:17, 454:15, 473:15
calling - 255:24
calls - 269:19, 303:23, 387:8, 432:10
Calm - 477:10
Came - 371:6
came - 267:11, 271:11, 283:18, 370:14, 396:13, 396:17, 413:11, 414:14, 416:13, 429:23, 430:2, 430:4, 432:19, 447:11, 448:21
camera - 276:11, 277:22, 278:7, 340:4
cameras - 277:20, 378:1, 378:3, 380:22
Campbell - 252:12
Camuso - 332:14
can - 254:14, 254:20, 254:24, 256:1, 266:11, 266:23, 268:14, 274:8, 275:18, 280:5, 281:9, 286:9, 286:10, 290:24, 293:7, 293:24, 295:1, 298:17, 298:23, 298:24, 298:25, 299:2, 302:4, 307:8, 308:4, 309:19, 309:21, 311:18, 311:25, 312:2, 313:7, 313:11, 313:23, 314:8, 314:23, 315:8, 316:24, 319:10, 321:2, 322:22, 329:24, 330:5, 330:6, 330:11, 334:23, 334:24, 336:6, 340:7, 342:2, 344:3, 344:15, 357:25, 358:18, 359:3, 361:5, 368:9, 370:3, 370:4, 372:12, 372:20, 375:22, 376:3, 376:16, 381:25, 383:3, 383:4, 383:7, 383:16, 383:18, 383:24, 385:14, 385:19, 388:25, 405:20, 422:15, 422:17, 425:7, 434:2, 438:23, 439:8, 439:17, 442:7, 443:21, 445:15, 446:19, 454:8, 458:20, 472:21, 484:9, 486:11, 489:10, 489:14, 491:5
Can - 271:8, 274:2, 274:16, 281:1, 286:8, 288:6, 288:16, 289:23, 293:15, 298:3, 298:17, 299:15, 303:5, 304:10, 305:24, 306:8, 306:14, 309:4, 311:15, 312:19, 313:9, 313:21, 316:17, 319:25, 320:22, 326:5, 333:8, 337:13, 373:2, 374:20, 388:9, 398:11, 399:14, 415:12, 416:11, 432:2, 437:13, 440:10, 445:18, 448:25, 451:25, 455:2, 457:3, 457:25, 458:6, 458:12, 462:16, 462:19, 467:24, 470:15, 472:11, 476:4, 478:1
can't - 255:22, 257:24, 278:7, 286:15, 304:17, 307:3, 311:24, 313:15, 362:21, 366:21, 384:12, 384:13, 384:14, 387:2, 387:3, 391:2, 404:12, 419:2, 422:19, 428:12, 436:22, 436:23, 441:12, 442:9, 445:5
Can't - 445:7, 482:6
candid - 267:9
cannot - 290:2, 292:14, 318:16, 485:18
capabilities - 460:1, 460:3, 483:7
capability - 294:11
Capable - 454:1

capable - 294:9, 294:13, 294:16, 294:17, 295:3, 295:7, 297:10, 424:9, 453:24, 453:25, 479:17
capacity - 283:4, 283:13
capodecina - 449:3
capodecinas - 287:5
caporegimes - 287:6
capos - 287:5, 289:8
Captain - 388:1, 397:22, 397:23, 397:24, 420:17, 429:17, 457:24, 458:5
captain - 262:17, 287:8, 288:1, 288:4, 288:18, 288:22, 300:11, 300:13, 302:7, 303:23, 306:16, 310:10, 316:21, 316:23, 318:18, 396:24, 404:1, 405:15, 405:16, 407:2, 407:3, 407:9, 407:18, 409:22, 410:16, 417:19, 418:4, 420:9, 420:11, 421:21, 423:9, 423:15, 427:19, 429:1, 429:4, 429:10, 429:11, 438:2, 439:6, 440:1, 440:2, 440:6, 446:8, 447:1, 447:5, 448:24, 449:2, 449:9, 449:14, 450:17, 457:8, 457:10, 457:14, 459:3, 462:15, 469:6, 481:11, 482:8, 482:15
captain's - 287:11
Captains - 290:16, 290:17, 440:4
captains - 261:2, 261:3, 287:4, 288:15, 288:16, 289:8, 290:11, 421:25, 422:3, 422:4, 430:8, 440:5, 448:25
Caputo - 351:6
car - 258:16, 260:2, 260:4, 263:19, 416:20, 416:23, 416:24, 417:2
Carbonara - 330:17
Carbonarro - 345:23, 346:5
Carbonnaro - 428:9, 428:15
card - 267:6, 396:16, 401:25, 403:2, 411:2
Cardillo - 382:14, 382:20
cards - 320:10, 396:18, 411:8, 456:22
care - 278:4, 385:19, 424:23, 449:3, 449:4, 449:5
career - 266:24, 273:2, 278:12
careful - 485:7
Carillo - 269:19, 269:24, 270:6, 285:21, 286:5, 286:11, 290:24, 291:3, 322:20, 324:16, 325:24, 333:6, 339:5, 344:5, 344:25, 345:8, 386:6
Carl - 351:14
Carlo - 319:21, 350:1, 393:23, 394:9, 394:13, 395:10, 397:3
Carmelo - 351:14
Carmine - 351:20, 454:13, 454:15, 454:21, 454:24, 455:1, 455:5, 455:9, 457:17, 480:12, 480:13
Carneglia - 252:5, 258:16, 259:9, 261:9, 264:17, 264:21, 265:1, 265:7, 265:16, 265:18, 265:24, 266:1, 266:5, 268:10, 268:15, 268:20, 268:22, 269:2, 326:1, 327:15, 327:17, 327:18, 327:24, 328:1, 328:3, 328:11, 328:20, 328:21, 329:1, 329:15, 335:3, 335:13, 335:23, 335:25, 336:4, 336:9, 336:15, 336:25, 337:4, 338:22, 339:2, 339:18, 339:19, 339:21, 339:25, 340:18, 341:25, 342:4, 342:5, 342:16, 343:6, 343:7, 343:18, 345:25, 346:11, 351:2, 379:25, 380:8, 380:14, 380:20, 380:22, 388:8, 419:22, 419:24, 420:4, 457:16, 458:8, 458:14, 461:25, 462:9, 475:16, 476:12, 478:16, 479:9, 479:12, 479:20
Carneglia's - 254:8, 255:15, 479:13
Carneglias - 475:22, 476:4, 477:20, 479:6
carpet - 442:11
carried - 313:20, 487:18
carry - 289:1, 289:12
carrying - 487:14
cars - 412:13
case - 253:7, 253:25, 254:6, 254:16, 255:9, 257:19, 257:20, 257:21, 257:23, 257:24, 260:16, 264:15, 266:1, 266:23,

267:10, 267:24, 268:1, 269:2, 279:2, 279:6, 280:17, 283:12, 330:4, 353:2, 357:21, 360:6, 360:8, 360:11, 361:5, 361:13, 361:15, 361:21, 361:22, 363:2, 363:8, 365:2, 366:15, 367:5, 375:14, 401:3, 434:8, 456:10, 471:23, 472:5, 480:15, 484:7, 489:6
cases - 278:13, 279:16, 353:10, 353:12, 353:18, 354:21, 359:14, 378:19, 437:17, 454:12, 480:8, 487:4, 488:6
casino - 403:12
casinos - 402:25
Cassata - 327:8
Castellano - 350:25, 404:3, 410:21, 410:24, 416:16, 418:13, 418:24, 419:14, 419:16, 420:15, 421:1, 421:4, 421:6, 423:7, 425:17
casual - 448:6
Cat - 252:25
categorically - 265:24
Catering - 328:10
catering - 452:21
caught - 265:14, 417:2
cause - 265:6, 435:3, 480:24
causing - 489:21
caution - 257:1
Cavalcante - 351:22
Cavallo - 328:22, 328:23, 329:1, 329:14, 330:25, 332:10, 333:1, 335:25, 337:5, 338:22, 340:19, 340:20, 342:6, 342:20, 342:21, 343:1, 345:21, 346:6, 457:16, 458:2, 477:6
Ccc - 420:8
cease - 381:23, 384:8
Cefalu - 350:23
cellular - 274:6
center - 335:4, 335:12, 337:4, 337:25, 338:6, 339:23, 340:3, 342:7, 342:20, 342:24
Center - 259:18, 463:7
century - 398:6
ceremonies - 299:11, 299:16, 301:6
ceremony - 261:12, 299:4, 299:7, 299:20, 299:22, 299:23, 300:1, 300:10, 300:15, 300:22, 301:1, 301:10, 301:20, 301:24, 303:3, 305:17, 431:15, 432:25, 437:3, 440:7, 440:18, 450:12
certain - 274:7, 274:11, 277:17, 282:15, 288:3, 288:5, 291:25, 292:8, 298:20, 299:19, 302:23, 305:6, 306:2, 306:19, 308:8, 309:11, 310:23, 311:3, 320:9, 321:8, 321:9, 334:6, 367:19, 371:9, 371:13, 375:1, 401:5, 444:20, 446:22, 448:8, 448:10, 467:25, 485:1
Certainly - 487:16
certainly - 255:17, 370:21, 487:19
chair - 390:4, 445:12
chance - 312:24, 424:12
chances - 295:18, 312:11, 373:9, 423:13, 424:3, 424:6, 425:19
change - 268:14, 268:15, 356:5, 358:25, 383:21, 423:8, 446:17, 468:24, 468:25
Change - 268:14
changed - 299:18, 301:6
changes - 268:12, 301:20, 301:21
character - 400:23, 400:24
characterize - 485:20
charge - 262:4, 365:8, 403:8, 471:17
charged - 261:20, 264:9, 265:4, 265:22, 267:22, 268:10, 269:13, 471:10
charges - 261:22, 264:18, 265:25, 267:14, 267:19, 268:8, 268:16, 268:19, 268:22, 322:16, 356:13
Charles - 252:5, 258:16, 259:9, 261:8, 264:17, 264:21, 265:1, 265:7, 265:16, 265:18, 265:24, 266:1, 268:20, 269:1, 326:1, 327:15, 327:17, 327:24, 328:1, 328:3, 328:11, 328:20, 328:21, 329:1,

329:14, 335:3, 335:13, 335:23, 335:25, 336:4, 336:8, 336:14, 336:25, 337:4, 338:21, 339:2, 339:18, 339:19, 339:20, 339:25, 340:18, 342:4, 342:5, 342:16, 343:6, 343:7, 343:18, 345:25, 346:11, 388:8, 457:16, 458:8, 458:14, 461:17, 461:19, 461:20, 465:11, 466:10, 466:18, 477:3, 477:12, 478:14
Charley - 382:11
Charlie - 341:25, 382:21
chart - 394:15
chase - 293:20, 311:24, 311:25
chased - 311:22, 456:15
chastised - 310:2, 311:20
chat - 443:18
cheat - 367:4
cheating - 366:8
check - 432:12, 434:18, 447:3, 447:6
checking - 255:3
cherrypicked - 379:16
chest - 258:17
Chicago - 284:8
child - 390:16, 441:8
childhood - 452:7
children - 390:19, 431:13, 451:7
Chin - 437:15, 437:20, 442:2
Chin's - 442:1
chit - 443:18
chit-chat - 443:18
choice - 306:11
choir - 265:18
choose - 263:9, 290:10, 293:15, 368:22, 382:6
chose - 258:21, 434:18
chosen - 263:5, 290:5, 290:6, 290:12, 370:18
christenings - 278:2, 321:16
Christmas - 406:23, 407:4, 448:17
church - 403:6
churches - 403:3
Ciccone - 341:3, 341:24
circle - 388:21, 388:23, 414:16, 443:19
Circuit - 487:2
circumstance - 383:8
circumstances - 289:19, 464:4, 470:19, 471:21, 476:2
cities - 290:7
citizen - 279:7
citizens - 267:11
Citriniti - 338:2
City - 271:11, 371:4, 379:4
city - 379:8, 393:3
civic - 263:5
civilian - 263:12, 453:15
civilians - 416:25
claimed - 288:12, 317:18
clarifies - 375:6
clarify - 332:16, 374:20, 376:20, 454:9
clear - 269:17, 333:3, 356:11, 362:25, 375:20, 439:25, 472:2, 474:10, 482:6, 488:3
clearly - 267:18, 268:21, 474:13
clears - 269:5
Clerk - 269:23, 387:13
client - 376:4
clip - 317:12
close - 398:7, 416:7, 435:23, 443:20, 450:24, 450:25, 451:3, 451:20, 452:8, 455:14, 455:22, 456:1, 456:5, 456:17, 456:19, 460:12, 466:4, 468:4, 473:25, 475:14
closer - 288:11, 399:4, 451:17
closest - 388:24, 392:17, 393:6, 448:5, 448:11, 451:18, 451:22
clout - 371:9
club - 319:25, 320:1, 320:24, 336:13, 339:16, 396:1, 396:3, 401:11, 409:19, 409:20, 409:21, 410:11, 410:18, 411:3,

411:21, 412:3, 427:12, 427:13, 430:17, 447:12, 476:24, 477:22, 478:14
Club - 336:13, 336:19, 339:1, 339:15, 447:10, 447:18, 447:23, 447:25, 448:3
clubs - 275:7, 276:19, 320:5, 320:9, 320:13, 320:16, 320:18, 320:19, 354:10, 378:10, 394:25, 396:14, 410:1, 410:4, 410:6, 410:25, 411:15, 411:18, 411:22, 411:23, 412:16, 412:21, 451:4, 476:11, 476:22, 477:2
coat - 426:12
code - 426:10, 426:12, 426:18
codes - 276:4
coffee - 257:12
coherent - 275:15
cold - 266:25
collect - 408:15
college - 266:12, 401:19
Colombo - 284:23, 392:2, 397:1, 397:12
color - 350:8
Colucciello - 328:25
come - 256:2, 257:12, 280:12, 280:24, 281:1, 281:9, 284:9, 299:19, 303:20, 303:23, 306:12, 313:25, 314:1, 321:9, 326:22, 334:17, 335:16, 339:12, 344:25, 356:12, 356:17, 365:6, 365:16, 374:10, 384:12, 384:20, 385:3, 394:25, 396:9, 397:3, 403:9, 403:18, 406:14, 409:6, 409:23, 411:24, 412:21, 421:25, 422:1, 431:5, 431:16, 431:19, 432:12, 432:14, 432:16, 433:16, 435:1, 445:10, 448:6, 449:17, 449:22, 456:4, 457:9, 475:2, 475:21, 477:12, 478:13, 480:21, 483:6, 483:20, 487:5
Come - 399:20
comer - 375:2
comes - 257:22, 266:19, 278:25, 280:9, 305:24, 309:10, 317:21, 359:4, 371:21, 431:8, 439:19, 439:21, 439:23, 459:20, 483:12, 485:2, 488:3, 488:20
coming - 265:11, 306:7, 321:4, 344:12, 366:22, 373:6, 374:5, 374:9, 382:9, 431:22, 432:4, 439:14, 456:10, 471:21, 489:22, 489:25
command - 286:20, 301:18
commenced - 358:1
commission - 420:22, 420:25
commit - 282:20, 294:11, 294:18, 295:10, 295:19, 296:17, 299:22, 315:3, 315:10, 318:16, 371:21, 399:11, 399:15, 415:5, 416:12, 423:18, 424:13, 424:16, 436:15, 436:21
commits - 297:7
committed - 259:4, 261:20, 262:24, 264:22, 265:1, 265:3, 308:13, 315:15, 358:14, 389:2, 400:1, 444:24, 465:3, 467:8, 467:15
Committee - 429:17
committee - 418:4, 418:5, 418:6, 418:7, 429:18, 481:11
committing - 262:1, 263:1, 282:21, 296:14, 297:10, 315:12, 357:15, 380:20, 380:23, 399:23, 406:2, 424:10, 424:18, 424:19, 435:14, 454:1, 471:10
commodity - 468:5, 487:14
common - 295:9, 296:13, 297:22, 305:16, 315:24, 319:13, 319:17, 320:7, 399:9, 400:20, 453:3, 453:9
commonly - 309:5
Community - 401:20
community - 266:21
company - 265:21
compensation - 279:5
complete - 275:18, 490:22
complied - 358:1
conceal - 278:7
Concentrate - 269:15
concept - 355:5
concepts - 315:20

concerned - 356:21, 381:20, 381:21, 381:24
concerning - 255:15, 304:8, 316:15, 393:21, 437:3, 453:19, 466:22
condition - 313:24
conditions - 278:1
conduct - 270:21, 271:16, 272:2, 272:22, 277:7, 278:9, 278:15, 281:16, 310:22, 320:18, 320:23, 321:6, 321:19, 322:20, 323:4, 323:20, 361:9, 411:20
conducted - 276:6, 278:13, 301:6, 304:24, 305:8, 320:15, 323:22, 324:3, 327:2, 327:13, 328:8, 328:17, 329:11, 330:15, 330:22, 331:7, 331:16, 331:21, 332:8, 333:14, 335:1, 337:11, 338:20, 343:16, 363:4, 452:17
conducting - 273:17, 277:2, 277:21, 300:22, 311:15, 316:15, 320:21, 323:15, 324:25, 325:5, 325:17, 340:11, 366:24, 379:2
confer - 253:10, 253:12, 280:4
confidential - 278:23, 278:24, 278:25, 279:9, 279:15, 279:22, 280:3, 280:18, 280:20
conflict - 435:4
congratulated - 431:3
congregate - 276:19
connected - 367:24
connection - 334:16, 334:22, 389:15, 480:13
consenting - 264:15
consequences - 293:19, 408:17
consideration - 280:16, 296:15, 310:13
considered - 290:18, 290:22, 307:4
consigliere - 260:25, 261:1, 286:19, 286:21, 286:24, 287:13, 394:4
consiglieres - 289:8
conspiracy - 255:5, 261:23, 268:9, 408:4, 436:17, 487:24, 488:1, 488:2
constant - 292:23, 409:17
constitutes - 471:16
construction - 413:10, 449:6
Construction - 473:15
contact - 355:9, 356:2
containing - 344:6
Conte - 440:15, 462:14
contend - 264:24
content - 325:20
contents - 286:12, 474:11
context - 459:13, 460:25
Context - 459:20
continue - 295:16, 322:8, 360:17, 386:7, 414:19, 432:7, 450:22
Continue - 330:14, 365:11
Continued - 296:18, 343:21, 344:1, 377:2, 398:18, 423:24, 442:12, 465:12, 485:22, 492:5
continues - 280:21
Continues - 424:1, 425:12
Continuing - 486:1
control - 449:7
convenience - 485:12
conversation - 274:18, 274:20, 275:16, 275:19, 277:10, 464:14, 466:21, 467:2, 467:6, 469:14, 470:25, 472:12, 472:22, 474:4, 474:8, 474:10, 474:11, 474:17, 474:23, 490:3
conversations - 264:2, 275:1, 276:1, 320:4, 357:7, 375:19, 375:22, 460:25, 467:22, 490:2
convicted - 480:4
conviction - 485:17, 485:18
convince - 268:19
cooperate - 279:8, 303:11, 308:14, 311:8, 311:11, 312:13, 313:1, 313:4, 355:7, 358:5, 366:21, 491:7
cooperated - 446:4
cooperates - 312:21, 312:23, 313:13, 313:15

cooperating - 254:19, 254:20, 262:25, 266:12, 266:24, 267:3, 278:22, 280:3, 280:7, 280:8, 280:9, 280:19, 280:23, 281:4, 281:11, 281:16, 281:19, 281:23, 303:14, 313:17, 354:16, 355:12, 355:22, 356:14, 357:16, 358:21, 360:10, 363:8, 367:1, 376:10, 390:5, 445:12, 482:24, 483:12, 483:14, 483:15, 486:5
cooperation - 267:4, 312:16, 365:18, 445:25
Cooperation - 294:22
cooperator - 359:8, 361:20, 361:25, 362:4, 363:2, 445:17
cooperators - 266:22, 354:21, 358:25, 360:11, 361:17, 362:19, 365:16, 365:20
Cooperators - 359:9
coordinate - 323:12
cop - 353:16, 373:22
cops - 416:25
corner - 259:15, 477:23
Corozzo - 327:5, 327:8, 327:10, 327:14, 331:22, 332:1, 332:2, 332:6, 336:17, 336:20, 337:6, 338:2, 338:14, 339:3, 339:23, 339:24, 340:1, 342:8, 345:18, 345:19, 346:6, 346:7
Corrao - 329:16, 335:10, 338:5, 345:17, 346:8, 350:21, 429:4, 429:11
Corrao's - 428:1
Correct - 352:13, 376:22, 384:4, 384:21, 393:7, 394:10, 398:14, 428:23, 429:12, 429:19, 429:21, 438:7, 447:17, 461:5, 471:12, 487:9
correct - 272:14, 298:2, 320:16, 340:10, 352:12, 352:25, 355:4, 358:23, 358:24, 358:25, 359:20, 359:21, 359:24, 360:3, 365:17, 366:2, 367:11, 368:10, 370:4, 370:8, 370:18, 373:21, 374:4, 379:15, 380:20, 382:8, 383:16, 417:7, 417:8, 428:18, 438:14, 450:13, 465:5, 466:3, 469:13, 471:11, 471:18
corroborate - 277:12, 280:2, 280:6, 281:17
Cosa - 271:3, 271:4, 271:9, 282:1, 282:24, 283:5, 283:10, 283:25, 284:3, 288:18, 288:21, 289:6, 289:16, 290:23, 294:21, 294:25, 295:5, 300:4, 300:5, 300:9, 300:14, 301:13, 301:14, 302:4, 302:5, 302:9, 303:9, 303:21, 304:2, 304:6, 304:13, 304:17, 304:19, 306:5, 307:10, 308:7, 308:9, 308:18, 309:13, 309:20, 309:21, 309:23, 309:25, 312:20, 312:22, 313:11, 313:13, 318:6, 318:16, 320:12, 366:9, 371:25, 383:1, 384:2, 384:18, 387:1, 389:25, 397:16, 397:19, 404:12, 410:3, 431:10, 431:14, 437:8, 437:9, 441:13, 441:18, 443:3, 444:2
Costa - 329:15
Cotillo - 259:10, 259:11
could - 253:15, 285:15, 293:19, 293:20, 293:22, 294:7, 297:11, 311:11, 311:19, 311:20, 311:22, 315:1, 315:14, 316:1, 316:14, 319:6, 319:7, 320:1, 320:12, 321:2, 321:16, 323:1, 323:2, 324:17, 326:21, 326:23, 327:12, 328:6, 329:20, 334:19, 344:25, 345:9, 368:2, 370:2, 370:14, 371:11, 372:7, 373:12, 373:15, 375:12, 383:25, 384:1, 385:13, 395:13, 395:25, 408:17, 408:18, 409:24, 411:6, 412:7, 412:8, 412:18, 412:19, 413:3, 414:6, 424:9, 424:20, 428:11, 433:8, 433:18, 433:19, 433:21, 434:14, 435:8, 437:2, 437:10, 438:25, 439:2, 439:3, 439:4, 439:5, 439:10, 440:4, 440:5, 440:12, 445:21, 445:22, 447:1, 490:5
Could - 317:15, 324:8, 396:19, 402:9, 409:16, 416:9, 428:13

couldn't - 405:11, 413:2, 415:17, 438:11, 441:2, 446:11, 446:20, 446:23, 454:17, 454:20
counsel - 253:9, 260:12, 263:7, 269:12, 286:8, 464:7
count - 413:10, 413:11, 413:12
Count - 261:22
counterfeit - 433:17
counting - 266:25
countless - 266:14, 366:7
country - 265:20, 391:15
counts - 261:21, 262:4
County - 271:17, 271:25, 272:21, 371:5
county - 379:8
couple - 253:20, 309:4, 317:14, 324:8, 359:15, 359:16, 377:19, 408:14, 417:24
course - 262:2, 264:20, 264:25, 267:5, 268:4, 278:12, 302:21, 325:25, 357:23, 368:7, 377:11, 378:7, 378:16, 459:3, 459:14, 489:3
count - 253:2, 258:12, 258:13, 259:1, 265:20, 266:3, 278:10, 279:6, 280:13, 280:24, 283:4, 283:9, 327:19, 328:7, 330:3, 356:23, 376:2, 438:10, 491:6
Court - 252:1, 252:17, 252:21, 253:3, 253:11, 253:16, 253:19, 253:22, 254:2, 254:12, 255:4, 255:8, 255:13, 255:20, 255:22, 256:6, 256:10, 256:13, 256:16, 256:17, 256:19, 256:24, 257:1, 257:5, 257:8, 257:18, 258:2, 258:25, 259:2, 264:7, 264:10, 264:12, 264:17, 267:17, 269:11, 270:1, 274:4, 274:9, 274:11, 274:22, 285:18, 286:3, 286:10, 291:1, 308:4, 308:24, 310:20, 312:8, 314:11, 319:16, 321:22, 322:1, 322:4, 322:7, 322:9, 322:10, 326:8, 326:19, 329:6, 329:23, 334:14, 334:24, 335:18, 337:15, 337:18, 344:23, 345:5, 350:12, 352:10, 352:14, 352:18, 357:9, 357:12, 357:18, 360:6, 360:17, 360:24, 361:4, 361:9, 361:13, 361:21, 362:2, 362:6, 362:18, 362:23, 363:14, 363:16, 365:6, 365:14, 365:19, 365:22, 375:10, 375:13, 375:16, 375:24, 376:6, 376:8, 376:12, 376:16, 376:22, 376:25, 379:19, 387:5, 387:7, 387:17, 388:12, 388:19, 389:5, 389:10, 389:22, 394:16, 394:18, 405:24, 419:2, 419:4, 424:22, 425:1, 425:3, 425:6, 425:11, 425:14, 432:7, 436:4, 437:23, 441:23, 443:17, 444:18, 446:13, 453:7, 458:18, 459:13, 459:20, 460:8, 460:20, 461:16, 463:15, 464:3, 464:6, 465:7, 466:13, 466:20, 467:13, 467:17, 468:16, 468:19, 468:22, 469:1, 469:3, 469:6, 469:9, 470:18, 471:4, 471:7, 471:13, 471:20, 473:9, 473:11, 474:3, 474:15, 474:23, 475:4, 475:8, 476:2, 476:7, 479:4, 479:25, 480:4, 480:10, 480:19, 481:2, 481:17, 481:21, 482:1, 482:21, 482:23, 483:8, 483:10, 483:22, 484:1, 484:5, 484:16, 484:21, 484:23, 485:6, 485:11, 485:14, 486:1, 486:8, 486:16, 486:19, 486:25, 487:16, 488:5, 488:16, 488:19, 489:1, 489:4, 489:12, 489:14, 489:17, 489:24, 490:14, 490:20, 490:24, 491:5, 491:10, 491:13, 491:17
Court's - 286:5, 491:8
Courthouse - 252:4
courtroom - 265:12, 267:11, 326:3, 359:22, 365:16, 375:15, 375:20, 388:4, 485:13
cover - 414:5
covert - 278:5
crap - 403:2
crash - 417:1
Crazy - 461:20
crazy - 437:17, 437:19, 438:9, 438:11

create - 416:24
created - 421:25
creating - 374:6
credibility - 357:22, 365:7, 365:9, 365:10
credible - 266:6, 267:20, 268:16
crew - 287:11, 288:17, 288:21, 288:22, 384:24, 404:2, 410:16, 417:21, 423:7, 423:9, 425:18, 425:23, 438:4, 447:5, 449:4, 449:10, 449:13, 456:24, 457:14, 457:15, 458:16, 462:10
crews - 261:3, 288:15, 288:16, 288:18
Crime - 259:5, 260:19, 261:10, 261:12, 261:19, 261:25, 262:7, 262:17, 264:6, 272:8, 284:22, 284:23, 284:24, 284:25, 295:22, 395:9
crime - 260:21, 260:22, 260:23, 263:9, 265:1, 267:1, 268:7, 270:22, 270:24, 271:1, 271:16, 271:21, 272:3, 272:12, 275:8, 275:23, 276:4, 276:18, 276:21, 277:4, 277:5, 277:9, 277:16, 278:3, 278:6, 278:13, 279:3, 279:16, 280:11, 280:13, 282:1, 282:3, 282:8, 282:15, 282:20, 284:20, 285:13, 285:25, 286:7, 286:15, 287:23, 288:10, 288:12, 288:24, 289:21, 290:1, 290:18, 290:19, 290:21, 291:3, 291:13, 291:16, 291:20, 291:21, 292:14, 292:15, 292:18, 293:1, 293:10, 293:13, 293:19, 293:22, 294:1, 294:14, 295:6, 295:9, 296:5, 296:9, 297:9, 297:14, 297:22, 298:18, 298:21, 299:5, 302:18, 302:22, 305:5, 305:8, 305:24, 307:24, 308:17, 309:7, 310:22, 311:6, 311:7, 311:9, 311:13, 311:24, 313:6, 313:21, 313:24, 314:9, 314:19, 314:22, 315:19, 315:20, 316:5, 316:13, 316:19, 317:5, 317:8, 318:24, 319:14, 319:19, 320:2, 320:24, 321:17, 322:23, 323:23, 324:4, 324:10, 353:18, 357:15, 358:15, 359:11, 366:6, 368:12, 369:4, 369:10, 369:15, 371:3, 371:7, 371:10, 373:22, 377:12, 377:14, 380:23, 381:9, 384:2, 386:8, 386:11, 387:21, 391:2, 392:13, 393:4, 393:9, 393:17, 394:1, 394:3, 394:21, 395:2, 395:12, 396:7, 396:21, 397:6, 400:1, 400:20, 401:5, 404:21, 405:10, 405:11, 406:22, 407:13, 409:3, 409:4, 410:4, 412:8, 412:11, 420:20, 426:21, 434:7, 436:6, 436:9, 437:14, 438:16, 441:9, 443:2, 443:12, 444:1, 444:15, 452:14, 452:17, 470:7, 475:18, 484:2
crimes - 259:3, 260:1, 261:20, 262:1, 262:13, 262:23, 263:1, 264:9, 265:3, 265:4, 265:8, 267:22, 271:18, 274:11, 274:12, 275:24, 282:19, 282:21, 282:24, 283:1, 307:24, 308:6, 353:21, 358:14, 367:9, 380:20, 399:11, 399:14, 399:23, 406:2, 408:2, 414:8, 434:9, 434:10, 443:13, 464:20, 467:19, 470:11
criminal - 260:20, 263:8, 265:5, 265:14, 270:21, 271:4, 271:16, 272:2, 272:22, 274:25, 277:19, 279:2, 279:9, 306:6, 306:14, 307:8, 322:12, 355:3, 356:22, 361:10, 366:25, 374:2, 434:22, 435:8, 454:2, 459:25, 460:3, 468:9
criminals - 261:6, 262:18
criteria - 274:7, 277:17, 295:20, 296:16, 311:10
critical - 471:16
critically - 489:6
crooks - 266:19
cross - 255:11, 268:23, 361:8, 395:25, 447:13, 447:20
Cross - 255:13, 328:10, 352:18, 352:20, 377:2, 492:4, 492:5
Cross-examination - 352:20, 377:2, 492:4, 492:5
cross-examination - 268:23, 361:8
cross-examine - 255:11

Cross-examine - 255:13
cross-street - 447:13, 447:20
crotch - 478:4
crumpled - 430:24
crutches - 340:17
cryptic - 276:4
cryptically - 275:24, 276:2
current - 270:9, 390:23
currently - 296:7
curse - 478:3
curtain - 262:15
Curtis - 252:19, 264:16
Cusamano - 417:22
custom - 370:10, 370:11, 370:14, 386:22
customer - 408:25
customers - 408:16
customs - 304:25
cut - 407:22, 411:13, 417:1
cynically - 268:18

D

D - 387:10, 387:15, 492:6
D'amico - 332:5, 336:3, 336:9, 337:5, 337:25, 341:2, 345:11, 346:8, 407:8, 417:22, 418:1, 423:12, 425:17, 426:9, 427:2, 427:15, 427:24, 430:2, 430:4, 430:23, 447:5, 448:22, 449:15, 458:23
D'amico's - 459:1
D'quilla - 417:22
Da's - 371:5, 379:5
daily - 253:18, 253:19, 395:16, 417:15
damaging - 312:22
danger - 372:4
Daniel - 328:1, 349:24
daring - 258:22
date - 335:15, 335:16, 422:13, 426:9
dated - 268:2
dates - 370:3
daughter - 433:12
Davino - 327:10
day - 261:24, 262:20, 264:8, 289:12, 305:13, 377:18, 378:21, 426:19, 434:20, 448:8, 449:16, 489:15, 489:18
day-to-day - 289:12
days - 258:19, 265:18, 268:14, 393:12, 411:14, 447:22
daytime - 473:18
Dead - 445:4, 463:1
dead - 259:16, 263:14, 298:24, 299:2, 319:22, 391:23, 418:22, 433:25, 445:15, 462:25, 463:5
deal - 303:25, 309:6, 309:7, 433:14, 433:17, 437:10, 487:4
dealer - 440:13, 440:15
dealers - 411:11, 440:13
dealing - 262:2, 279:13, 386:16, 434:4, 434:14, 440:12, 479:19, 487:6, 488:7
dealings - 304:6
dealt - 354:22, 359:12
dean - 266:12
Deangelo - 364:11
Death - 436:13, 446:1
death - 259:23, 393:17, 393:19, 394:19, 435:19, 445:11
deaths - 422:24
debrief - 279:18, 281:19
debriefed - 279:15, 281:11
debriefing - 278:21
debriefings - 279:20, 281:19
debt - 408:15
decades - 262:21, 265:5, 266:14, 268:16
Decalvacante - 291:7, 291:10
December - 283:14, 342:17, 343:4, 390:8, 406:18, 426:2, 468:20, 470:22
december - 421:7, 472:23
Decicco - 341:16, 401:25, 402:6, 418:18, 419:5, 419:13
decide - 258:1, 355:20, 360:19, 384:7
decided - 382:24, 383:13, 389:6, 391:16
decides - 298:7
decision - 391:12, 454:16, 472:1
decisions - 487:2
declaring - 367:8
Deconiglio - 328:16, 350:17
Deconza - 350:19
deems - 286:16
defendant - 253:9, 254:21, 255:5, 256:21, 258:16, 258:19, 258:21, 258:23, 258:24, 259:1, 259:4, 259:6, 259:7, 259:9, 259:11, 259:14, 259:16, 259:19, 259:20, 259:23, 259:24, 260:2, 260:3, 260:5, 260:17, 261:8, 261:11, 261:19, 261:22, 261:24, 262:4, 262:7, 262:19, 262:24, 263:14, 263:25, 264:2, 264:7, 264:8, 269:14, 269:15, 269:16, 322:14, 326:7, 326:9, 326:12, 326:15, 332:19, 332:23, 332:25, 334:3, 334:6, 334:9, 336:5, 337:1, 338:9, 338:11, 338:12, 338:23, 340:3, 340:8, 341:17, 342:10, 343:2, 343:13, 346:1, 346:12, 352:9, 357:13, 357:20, 358:11, 358:13, 388:11, 419:25, 453:1, 459:6, 459:9, 459:16, 460:4, 460:15, 460:18, 461:1, 461:12, 461:22, 469:7, 469:21, 471:10, 471:17, 472:6, 473:7, 475:5, 476:14, 476:17, 477:4, 477:9, 477:14, 478:12, 478:20, 479:8, 480:20, 480:25, 481:13, 482:19, 483:1, 483:4, 483:17, 484:25, 485:4, 486:6, 486:7, 487:13, 488:1, 489:2, 490:4
Defendant - 252:6, 252:17
defendant's - 254:15, 254:17, 254:25, 259:10, 260:1, 262:12, 263:9, 263:16, 263:18, 264:5, 332:17, 423:6, 425:16, 460:22, 462:9, 478:16, 480:16, 484:11
defendants - 269:13, 357:21
Defense - 256:2, 263:7
defense - 254:17, 254:24, 255:4, 255:9, 256:3, 267:13, 269:12, 286:8, 334:23, 357:3, 363:8, 363:11
defiant - 385:20
defined - 267:18
definitely - 288:18
Definitely - 446:6
definition - 468:1
defy - 436:22, 436:23
defying - 436:25
degree - 288:13, 294:6
Delgado - 260:1, 260:4, 260:7, 263:19
Delgado-rivera - 260:1, 260:4, 263:19
Delgado-rivera's - 260:7
deliberate - 329:24
deliberations - 329:25
delighted - 257:8
Dellacrocce - 350:15
Dellaratta - 335:12
denies - 265:25
denigrate - 485:19
Department - 271:12, 272:8, 371:4
depend - 490:5
depending - 353:20
depends - 406:24, 413:2, 438:25, 439:4, 445:21
Depends - 435:23
Depicted - 327:5
depicting - 344:6
depictions - 325:17
depicts - 336:1, 336:12, 336:18, 336:23, 339:14, 340:15, 340:24, 341:6, 342:17, 343:4
Dequilla - 392:18
descent - 296:3, 296:4
describe - 263:22, 271:8, 274:2, 274:16, 317:9, 365:8, 399:2, 404:21, 452:5, 477:24

described - 266:12, 361:10, 365:23
deserve - 262:9
designate - 253:24
designated - 254:10, 274:8, 274:12, 416:19, 416:23
designed - 268:19, 269:3
Despite - 313:3
destroy - 311:11
detect - 305:15, 305:18, 305:20
detected - 320:5
detection - 301:23, 317:7
detective - 253:7, 254:5, 254:6, 379:4
Detective - 271:25, 272:18
detectives - 272:1
determine - 267:18, 267:21, 365:9
determined - 310:9, 435:22
determining - 312:5
Devastating - 390:18
Develop - 482:1
developed - 284:15
develops - 359:5
device - 449:18
devices - 273:22, 274:1, 305:22, 401:4
diagram - 285:25
Dibono - 259:16, 259:17, 259:19, 259:21, 259:22, 350:6, 389:14, 462:13, 462:18, 462:23, 462:25, 463:8, 464:1, 464:9, 466:17, 466:22, 468:14, 469:12, 470:16, 470:21, 472:24, 474:21, 476:16, 485:16, 486:6, 486:7, 489:2
Did - 325:3, 325:8, 333:20, 364:23, 370:25, 389:15, 390:21, 392:1, 392:3, 394:1, 394:5, 394:21, 395:2, 395:8, 396:9, 400:12, 401:15, 401:19, 402:12, 402:20, 403:18, 404:9, 405:12, 408:6, 408:10, 408:15, 408:19, 410:11, 410:15, 411:17, 411:20, 413:17, 416:1, 417:3, 419:19, 419:24, 424:3, 424:5, 425:20, 427:2, 436:20, 441:5, 447:3, 447:6, 449:17, 449:22, 450:22, 450:24, 451:11, 452:9, 452:11, 452:24, 453:18, 453:21, 454:7, 454:22, 455:17, 456:4, 457:9, 459:5, 459:8, 460:3, 461:12, 461:19, 463:8, 464:19, 473:24, 475:21, 477:1, 477:11, 478:12, 480:15, 480:21, 481:13, 482:19, 483:4, 484:11
did - 254:7, 263:8, 263:10, 268:15, 272:4, 272:6, 272:19, 272:24, 281:20, 283:15, 284:9, 284:11, 284:14, 323:25, 325:11, 325:24, 326:14, 333:23, 334:19, 360:14, 361:15, 379:3, 385:2, 387:25, 388:21, 388:22, 389:20, 390:5, 390:7, 390:15, 390:22, 391:5, 391:17, 391:19, 391:24, 392:25, 394:24, 395:15, 395:17, 395:19, 395:22, 397:21, 398:15, 399:11, 400:5, 400:6, 400:10, 401:21, 401:23, 402:5, 402:14, 402:16, 402:21, 403:7, 406:17, 407:4, 407:24, 408:2, 409:6, 410:6, 410:13, 410:25, 412:25, 413:15, 414:16, 414:17, 417:4, 417:11, 417:18, 418:10, 420:25, 421:6, 422:7, 423:7, 423:13, 426:1, 426:3, 427:5, 427:14, 431:15, 433:23, 437:3, 441:7, 444:13, 444:14, 446:14, 446:17, 448:3, 449:15, 450:7, 450:14, 450:18, 451:14, 455:16, 456:16, 456:19, 457:12, 459:11, 459:16, 459:18, 460:6, 460:9, 460:14, 460:25, 461:14, 463:11, 463:13, 463:18, 463:25, 464:10, 466:10, 466:16, 466:18, 468:13, 472:15, 472:19, 472:21, 475:5, 475:16, 475:20, 475:24, 476:14, 476:17, 476:24, 477:4, 478:16, 480:16, 480:24, 482:5, 482:9, 482:24, 483:6, 483:15, 483:17, 483:20, 484:17, 484:18, 484:24, 486:13, 490:5
didn't - 254:20, 259:7, 262:9, 262:11, 307:24, 332:17, 356:5, 366:1, 366:15, 366:23, 379:4, 382:16, 382:22, 385:2,

389:25, 395:4, 400:18, 414:7, 430:17, 443:13, 455:14, 477:3, 479:11, 481:3, 481:4, 486:16
Didn't - 356:5
die - 265:11, 298:25, 301:15, 313:12, 313:14, 386:24, 391:24, 393:14, 433:14, 433:15, 433:16, 433:18, 433:19, 433:21, 445:17
died - 260:5, 263:23, 319:23, 423:9, 463:2, 463:4
dies - 305:5, 305:12
difference - 280:18, 369:1
Different - 443:23
different - 262:1, 262:14, 271:8, 272:11, 278:20, 281:25, 282:19, 284:12, 288:10, 292:20, 292:24, 316:13, 316:19, 324:24, 332:22, 333:14, 344:11, 353:19, 355:23, 361:3, 366:11, 385:14, 385:20, 393:1, 403:3, 408:2, 423:4, 424:20, 440:3, 444:5, 449:22, 453:14, 476:10, 490:6
differently - 290:8, 480:6
difficult - 257:9, 288:25, 489:6
difficulty - 275:21
Dileonardo - 266:10, 266:19, 266:20, 330:18, 331:4, 336:3, 336:9, 337:25, 341:1, 348:7, 364:13, 387:9, 387:14, 421:22
Dileonardo's - 266:24
Dimaria - 342:16, 348:4
dine - 320:10
diner - 259:11
Diner - 343:5
dinner - 448:7
dinners - 451:4
Direct - 270:2, 344:1, 387:18, 492:4, 492:6
direct - 322:11, 356:2, 361:6, 361:11, 365:24, 436:11, 436:23, 471:8, 471:25, 484:7
directed - 490:24
directing - 464:6
direction - 399:15
directives - 311:12
directly - 355:24, 359:12, 432:11, 432:12
directs - 432:16
disagreements - 449:10
discipline - 293:25, 383:10
disciplined - 293:24, 312:9
disclose - 303:9, 358:13
discoverable - 360:4
discovered - 263:13, 449:22
discovery - 357:2, 357:5
discuss - 257:21, 257:24, 275:24, 307:3, 307:6, 307:8, 307:10, 308:9, 317:6, 355:3, 375:14, 439:22, 446:22, 459:16, 460:3
discussed - 354:11, 464:9
discussing - 274:21, 274:25, 276:3, 307:12, 308:7, 308:17, 444:1, 454:14
discussion - 438:22, 480:11
discussions - 308:15, 459:14, 460:9, 460:14, 486:22, 488:1
disenfranchised - 482:13
disgraced - 304:22
dishonest - 366:3
disingenuous - 256:5, 256:6
Dismiss - 439:18, 439:23
dismiss - 439:20, 440:4
disobey - 314:19, 436:6
disobeying - 314:25, 436:11
disown - 383:18, 385:7
disparage - 355:14
disparaged - 370:19, 370:21
dispute - 304:4, 316:6, 316:10, 316:18, 316:24, 317:21, 438:20
disputes - 316:12, 438:15
disrespecting - 259:22
distanced - 385:13

distinction - 371:17
distinguish - 337:13, 337:17, 370:12
distract - 269:4, 330:8
District - 252:1, 252:10, 260:10, 270:11, 270:12, 270:14, 270:18, 270:20, 271:25, 272:1, 272:22, 283:16, 371:5
district - 270:14
diversion - 416:24
diversionary - 416:20
Division - 271:15, 271:23, 272:9
Divorce - 269:3
Do - 258:3, 269:14, 276:23, 281:15, 282:3, 285:22, 289:17, 289:20, 297:14, 297:22, 299:24, 301:1, 310:16, 315:20, 318:24, 323:4, 323:8, 323:10, 323:12, 323:15, 323:20, 326:3, 344:18, 361:4, 362:7, 362:23, 365:14, 365:19, 365:20, 365:22, 378:22, 386:14, 390:23, 394:12, 400:14, 400:16, 401:5, 410:4, 413:19, 414:25, 415:7, 417:5, 418:15, 426:6, 431:24, 437:6, 443:12, 447:13, 447:20, 453:1, 454:2, 456:9, 462:4, 463:2, 463:4, 463:6, 467:2, 467:4, 467:8, 469:14, 469:17, 470:20, 471:2, 474:10, 474:17, 477:14, 477:17, 478:19, 479:5, 479:20, 479:23, 480:2, 480:7
do - 253:7, 253:9, 254:8, 255:19, 256:9, 256:10, 257:18, 263:6, 265:15, 272:4, 272:6, 272:24, 273:17, 274:8, 275:12, 276:2, 277:9, 277:12, 278:10, 278:15, 279:23, 280:1, 280:5, 281:19, 285:13, 289:14, 291:21, 292:5, 293:9, 295:14, 296:14, 302:14, 306:3, 307:18, 307:23, 308:2, 308:5, 308:6, 309:7, 311:23, 312:24, 313:3, 314:19, 314:23, 321:7, 321:9, 321:23, 325:8, 325:11, 333:20, 333:23, 355:19, 355:24, 362:8, 367:19, 367:21, 368:16, 370:17, 373:5, 373:8, 373:15, 375:4, 376:16, 377:17, 377:20, 382:1, 382:4, 383:2, 383:23, 384:22, 388:4, 388:7, 388:25, 390:19, 401:23, 402:14, 403:7, 404:6, 404:16, 404:18, 404:21, 405:13, 407:17, 407:19, 407:20, 409:24, 412:6, 414:17, 415:2, 415:9, 419:13, 423:21, 426:17, 427:5, 427:14, 430:12, 430:14, 430:19, 430:21, 431:7, 432:24, 434:8, 435:1, 435:8, 436:6, 437:11, 444:11, 447:2, 456:11, 458:22, 461:22, 467:6, 467:14, 470:25, 474:20, 478:2, 479:25, 484:7, 486:2, 491:2, 491:5
Doc's - 416:22
document - 276:14, 277:3, 277:5, 277:14, 277:18, 321:4, 321:10, 357:16
dodge - 367:13
Does - 286:24, 290:14, 295:18, 300:19, 308:17, 315:9, 318:12, 318:20, 318:21, 338:16, 347:16, 420:12, 443:24, 444:1, 449:9, 451:7, 455:8, 457:20
does - 268:14, 276:9, 279:18, 283:25, 287:21, 292:22, 292:25, 294:16, 294:24, 297:17, 301:12, 307:21, 317:25, 318:3, 319:8, 360:21, 383:21, 388:23, 397:17, 403:23, 404:4, 406:22, 407:13, 418:5, 421:18, 422:21, 424:12, 424:16, 426:17, 431:8, 434:23, 441:14, 445:3, 449:5, 453:25, 475:18, 479:16, 482:7, 484:14, 485:1
Doesn't - 373:19
doesn't - 255:25, 278:6, 330:9, 338:9, 369:12, 373:18, 375:2, 384:25, 440:5, 471:5, 472:1, 472:4
dog - 400:11
doing - 315:17, 356:3, 356:6, 369:2, 369:23, 372:9, 377:13, 377:15, 378:21, 378:22, 379:5, 384:3, 384:8, 389:20, 396:5, 412:10, 468:6, 468:10, 479:17

dollar - 396:3
dollars - 396:3, 409:10
Dom - 347:5, 350:23, 428:9, 428:16, 429:7, 430:1, 432:24, 433:1, 457:15
Dominic - 336:4
Dominick - 328:16, 335:14, 336:10, 341:8, 341:11, 347:5
Dominico - 350:23
don't - 255:18, 256:22, 257:21, 265:11, 265:13, 278:4, 293:21, 301:7, 301:22, 311:10, 315:7, 335:16, 352:11, 355:19, 357:9, 357:12, 360:7, 362:2, 362:13, 366:4, 367:17, 367:19, 368:14, 368:16, 370:16, 370:17, 371:2, 371:13, 371:16, 373:22, 373:24, 374:1, 378:24, 382:2, 383:5, 383:13, 384:21, 385:10, 385:17, 385:19, 401:2, 412:18, 413:20, 424:6, 428:10, 431:13, 432:12, 433:10, 433:11, 433:16, 434:13, 437:10, 439:3, 439:16, 441:16, 452:20, 452:23, 463:20, 466:13, 467:3, 471:14, 471:23, 478:21, 478:22, 479:25, 483:22, 484:1, 484:2, 484:6, 487:23, 488:21, 489:6, 489:17, 490:7, 491:6
Don't - 357:18, 360:24, 362:6, 362:18, 375:14, 389:5, 444:10
don'ts - 433:7
done - 273:24, 276:20, 277:3, 279:6, 308:20, 308:25, 310:2, 310:12, 311:21, 337:19, 365:2, 379:7, 382:10, 422:5, 424:11, 434:12, 439:15, 443:4, 454:21, 489:6
dont's - 433:7
door - 265:10, 361:8, 391:21, 393:13, 428:6, 429:23, 430:3
doors - 428:5
Doral - 327:4
double - 440:9
doubt - 262:13, 263:7, 267:20, 322:15, 446:4
down - 253:3, 253:22, 257:5, 258:13, 258:16, 300:16, 303:7, 316:7, 316:9, 316:10, 316:19, 317:1, 319:8, 319:9, 327:2, 327:19, 328:6, 329:21, 359:23, 359:25, 360:2, 360:14, 360:19, 360:23, 361:1, 369:2, 374:10, 374:13, 375:16, 376:25, 391:2, 402:1, 425:6, 425:11, 426:14, 426:15, 427:16, 430:10, 435:7, 438:18, 438:22, 439:1, 439:5, 439:8, 440:1, 446:19, 485:14
downs - 316:15, 438:17, 438:24
dozen - 353:3
Dragonetti - 332:2
drawing - 376:14
dressed - 427:16
drink - 371:25, 411:25
drinking - 455:15
drinks - 371:24
drive - 413:17, 416:20, 416:22
driver - 260:2, 263:19, 459:3
drop - 300:23
dropped - 431:3
drove - 258:14
drug - 262:2, 371:14, 372:1, 386:16, 386:18, 422:7, 434:4, 440:12
drugs - 368:8, 368:9, 368:11, 368:15, 372:4, 372:9, 433:14, 434:14, 437:10, 440:12, 456:11, 456:12
due - 289:5, 471:24
duly - 257:16, 269:21, 387:11
duplicates - 381:6
During - 262:5, 281:19, 281:22, 302:21, 407:24, 408:12, 417:13, 418:10, 431:15, 459:14
during - 260:17, 264:4, 267:5, 268:4, 272:17, 303:2, 325:25, 357:23, 361:17, 379:11, 408:3, 414:8, 427:11, 440:7
duties - 465:4, 487:15
duty - 253:5, 263:5
dying - 314:15, 422:22, 422:24

E

E - 350:15, 376:1, 387:10, 387:15, 492:6
each - 264:9, 264:14, 266:7, 267:7, 287:10, 287:11, 287:13, 299:2, 302:10, 358:19, 359:5, 366:10, 366:11, 368:14, 370:4, 386:10, 411:13, 441:15, 441:16, 441:17, 466:3
Each - 267:3, 286:14, 290:8, 366:11, 422:17, 437:8
earlier - 267:25, 304:24, 319:18, 319:24, 320:21, 341:18, 350:2, 398:4, 405:13, 429:18, 467:25, 472:16, 479:11, 480:11
earliest - 485:12
Early - 324:2, 456:8
early - 255:6, 257:11, 284:15, 293:3, 370:12, 397:4, 401:21, 403:15, 405:3, 405:4, 469:5, 475:9
earn - 262:9, 291:22, 386:10
earned - 404:17, 414:6
earner - 297:5, 297:6, 310:11, 416:8
earnings - 297:3, 297:21
earning - 294:5, 294:8, 296:17, 297:13, 308:12, 309:24, 384:13
earnings - 294:11, 404:20
earns - 297:6
East - 252:15, 252:22
Easter - 448:17
Eastern - 252:1, 260:10, 270:18, 283:16
easy - 265:16
eavesdropped - 275:2
eavesdropping - 273:20, 274:1, 274:3, 277:10, 280:4, 305:21, 317:7, 354:12, 355:13, 357:6
Eddie - 419:22, 420:9
edicts - 437:10
Edward - 330:18, 335:5, 347:23, 348:21
effect - 390:17, 432:21, 438:5, 490:1
effective - 468:8
effort - 256:9
eight - 377:21
eighteen - 259:13
Eighteen - 353:12
eighteenth - 283:11
eighties - 475:9
Eileen - 327:7
Either - 379:22, 450:17, 476:20
either - 276:14, 280:2, 294:10, 297:2, 297:20, 309:24, 311:8, 315:25, 316:14, 318:6, 371:19, 384:6, 385:9, 432:14, 477:5, 480:7
elderly - 313:22, 314:3, 337:20
elicited - 488:8, 488:11
Elizabeth - 291:8
else - 300:11, 302:19, 310:14, 359:10, 371:12, 373:12, 382:4, 392:15, 408:25, 417:21, 441:3, 441:4, 451:18, 456:16, 461:22, 490:15
embarrassing - 436:24
embellish - 359:3
emissary - 432:13
emulate - 398:3
en - 330:24
enamored - 395:18
encounter - 275:12
encountered - 366:7, 366:12, 366:13
end - 254:9, 300:10, 337:8, 369:12, 381:5, 390:15, 415:4, 432:23, 489:15, 489:18
ended - 458:15
ending - 261:11
ends - 369:3
enemy - 355:6
enforce - 310:9, 435:22
enforced - 310:6, 312:17, 446:2

enforcement - 263:15, 270:7, 270:9, 279:1, 279:8, 280:5, 280:10, 280:22, 282:23, 284:11, 284:19, 294:22, 295:2, 301:23, 303:12, 303:14, 305:15, 305:18, 312:14, 312:16, 312:22, 313:4, 313:18, 317:7, 318:7, 323:10, 323:13, 355:6, 355:8, 355:9, 355:14, 358:12, 366:19, 373:23, 374:2, 374:6, 374:10, 374:12, 374:15, 374:17, 374:23, 375:2, 375:4, 378:25, 389:24, 403:10, 403:11, 414:6, 422:6, 437:17, 438:9, 449:18
Engel - 327:7, 348:2, 364:1
English - 284:1
enhance - 308:25, 424:17
enhances - 295:7
enlightens - 467:25
Enough - 255:20
enough - 255:6, 265:6, 371:9, 391:16, 407:16, 466:4, 467:13, 488:22
entail - 276:9
tailed - 484:2
entails - 289:13
entered - 265:23, 429:22
entering - 355:1, 428:8, 431:10
enterprise - 260:20, 267:23, 268:20, 292:8, 292:9, 292:15, 292:16, 293:7, 295:17, 306:18, 318:7, 319:3, 369:5, 369:9, 468:9, 468:10
enterprises - 288:2, 288:14
entire - 406:19
entirely - 407:17
environmental - 323:1
Epifania - 332:14, 343:17
equipment - 276:11, 276:12, 277:1, 278:7, 377:23, 377:25
Eric - 331:20
especially - 374:24
Esq - 252:17, 252:19
essential - 257:25
establish - 262:12, 264:8
ethnic - 297:19
Eugene - 348:11
Evan - 252:14, 260:13
Even - 313:13, 355:1, 431:12, 444:8, 445:11
even - 289:9, 304:4, 304:22, 305:16, 310:14, 315:25, 341:25, 372:11, 374:9, 374:22, 375:2, 407:21, 409:23, 431:6, 434:24, 440:4, 441:13, 445:17, 478:22
event - 305:12, 322:22, 324:4, 332:25, 453:12, 453:13
events - 305:1, 305:9, 321:13, 321:20, 322:21, 323:16, 324:1, 325:25, 326:15, 332:22, 334:9, 338:12, 448:13, 452:11, 452:18
ever - 296:11, 297:2, 326:1, 362:3, 362:15, 403:12, 408:15, 414:9, 417:9, 418:10, 422:6, 424:18, 445:23, 448:13, 453:21, 459:5, 459:8, 459:16, 460:3, 481:13, 482:19, 483:1
every - 264:14, 266:4, 297:14, 298:21, 306:18, 372:16, 377:18, 378:21, 406:9, 411:8, 412:17, 434:20, 448:2, 448:3, 449:16, 449:21
Every - 456:20
Everybody - 257:5
everybody - 312:23, 375:16, 405:9, 441:3, 443:7, 448:7, 448:20, 485:14, 489:7
everyone - 322:22, 425:11, 439:25
everything - 281:17, 306:17, 306:20, 379:5, 412:22, 454:19, 474:25
Evidence - 487:3
evidence - 258:8, 258:10, 258:15, 261:8, 261:23, 262:14, 263:24, 264:4, 264:8, 265:23, 267:15, 267:20, 268:1, 269:6, 322:13, 322:14, 329:23, 352:12, 357:14, 357:24, 358:6, 363:1, 376:21, 377:7, 380:7, 380:13, 380:19, 381:2, 381:16, 394:11, 398:10, 410:22, 420:2,

471:16, 478:6, 485:15, 486:9, 487:5,
488:14, 488:21, 488:22
exact - 339:11
exactly - 320:22, 382:15, 487:1
Exactly - 486:10
examination - 268:23, 352:20, 356:2,
361:6, 361:8, 365:24, 377:2, 492:4,
492:5
Examination - 270:2, 344:1, 386:4,
387:18, 424:1, 425:12, 492:4, 492:5,
492:6
examine - 255:11, 255:13, 255:14
examined - 269:21, 387:11
examiner - 263:21
example - 303:22, 332:24, 341:17,
370:8, 384:23, 432:2, 434:19, 437:13,
439:5, 441:20, 445:11, 478:1
Example - 432:3
examples - 309:4, 338:13, 385:15
except - 340:3
exception - 459:21
exceptions - 372:16, 434:17
exchange - 267:1, 267:6, 292:5,
320:6, 470:2
exclusively - 279:23, 281:15
Excuse - 471:4, 471:22, 473:11
excuse - 256:14
excused - 387:6, 446:20, 485:10
excuses - 303:21, 303:24, 306:9
executioner - 259:23
exhibit - 490:21
Exhibit - 256:17, 285:16, 285:20,
285:22, 327:11, 329:5, 329:8, 330:21,
331:6, 331:14, 331:15, 335:19, 338:18,
339:13, 340:14, 340:23, 341:5, 342:13,
342:14, 343:15, 344:4, 344:22, 345:4,
345:20, 345:22, 345:24, 346:4, 346:5,
346:6, 346:7, 346:8, 346:9, 346:14,
346:15, 346:17, 346:19, 346:21,
346:23, 346:25, 347:6, 347:8, 347:12,
348:5, 349:15, 349:25, 350:7, 350:11,
352:6, 394:12, 398:11, 410:23, 415:12,
415:19, 417:25, 419:6, 420:3, 420:8,
420:10, 428:20, 429:2, 429:5, 429:13,
451:24, 454:25, 455:2, 457:3, 457:18,
457:25, 458:6, 458:12, 462:2, 462:16,
462:19, 478:7
exhibits - 256:19, 256:20, 321:25,
329:9, 330:1, 376:4
Exhibits - 256:19, 324:17, 326:18,
333:5, 333:8, 334:12, 344:7
existence - 281:25
exists - 260:20
exiting - 482:2
expect - 267:8, 319:11, 489:1
expected - 310:22, 311:6, 311:12,
431:24, 449:23
experience - 275:22, 307:23, 339:9,
344:15, 359:13, 360:13, 366:5, 367:3,
367:24
experienced - 362:3, 490:4
Explain - 358:10
explain - 267:16, 267:17, 281:2,
286:6, 286:12, 288:6, 298:3, 300:13,
304:10, 305:24, 306:15, 312:19, 313:9,
316:17, 317:15, 319:25, 320:22,
326:22, 326:24, 326:25, 357:1, 370:7,
373:2, 431:15, 433:23, 440:10, 448:25,
467:24, 476:4
explained - 281:20, 291:12, 303:2,
304:5, 306:1, 311:5, 353:25, 470:1
expression - 257:2, 362:19, 371:20
extort - 393:12
extorted - 292:14, 369:6
extortion - 254:15, 262:2, 262:5,
262:6, 265:1, 319:9, 393:13
extortions - 266:14, 408:4
extraordinary - 265:4
extreme - 290:22
extremely - 260:18

Extremely - 319:17
eye - 474:20
Eye - 347:17
eyes - 308:11, 415:1, 415:8

F

F - 376:1
face - 258:17, 304:21, 377:8, 400:11,
400:18
facial - 370:9, 370:15, 370:19, 370:21,
370:22, 370:25, 371:8, 371:11, 386:22,
437:4, 437:11, 437:14, 437:24
facially - 257:3
facing - 356:8, 356:10, 365:12
fact - 267:14, 267:22, 301:14, 330:9,
355:5, 357:16, 359:6, 359:20, 360:2,
360:18, 360:25, 362:4, 363:7, 363:11,
367:11, 368:11, 370:1, 370:2, 370:16,
370:18, 372:2, 381:24, 425:20, 472:3,
488:10, 488:12
factor - 312:5, 319:10
factors - 323:1
Faella - 329:12
failure - 359:10
Fair - 352:24, 354:18, 364:25
fair - 267:10, 310:6, 325:16, 353:7,
353:17, 355:13, 358:6, 358:16, 361:7,
361:24, 366:13, 371:13, 373:6, 379:10,
439:25, 466:25, 474:12, 483:11
fairly - 344:18, 466:25
fall - 300:23, 383:23
fallacy - 368:7
false - 268:16, 301:8
familial - 351:3
familiar - 281:25, 282:5, 282:11,
282:17, 282:19, 302:25, 316:3, 316:7,
317:2, 356:22, 356:25, 360:8, 362:19,
363:3, 363:6
families - 282:1, 282:3, 282:8,
282:20, 284:12, 284:17, 284:19,
284:21, 285:12, 287:2, 287:3, 288:24,
290:6, 291:4, 291:6, 292:20, 292:24,
294:1, 294:23, 296:3, 298:9, 298:11,
298:21, 302:22, 305:7, 305:17, 316:12,
316:13, 316:19, 319:18, 321:8, 367:20,
367:23, 370:20, 381:11, 392:21, 393:2,
397:6, 397:9, 397:11, 397:14, 416:8,
420:23, 422:10, 422:12, 422:19,
446:25, 448:21
Family - 256:4, 259:5, 259:20, 260:19,
261:10, 261:12, 261:15, 261:16,
261:19, 261:25, 262:7, 262:17, 264:6,
284:22, 284:23, 284:24, 284:25, 285:4,
285:7, 291:7, 291:10, 291:14, 295:22,
387:24, 387:25, 388:5, 388:14, 388:16,
389:16, 390:7, 392:7, 392:10, 392:19,
393:18, 393:21, 394:5, 394:8, 395:9,
397:1, 397:13, 398:8, 425:21, 426:1,
426:4, 428:25, 429:9, 433:4, 437:16,
437:25, 438:5, 443:10, 445:3, 445:13,
445:18, 446:5, 446:8, 446:15, 446:18,
446:24, 448:21, 449:1, 451:20, 452:3,
452:11, 452:24, 453:3, 453:4, 453:10,
453:16, 455:6, 455:19, 455:23, 457:7,
457:23, 458:4, 458:10, 459:14, 459:15,
459:22, 460:22, 460:23, 461:4, 462:7,
462:10, 462:14, 463:23, 464:17,
464:19, 464:23, 465:5, 465:10, 486:12,
487:15
family - 254:18, 254:19, 254:22,
260:22, 260:23, 261:7, 261:16, 263:2,
278:3, 286:1, 286:14, 286:15, 286:16,
286:17, 286:20, 286:23, 287:6, 287:9,
287:10, 287:14, 287:23, 288:1, 288:7,
288:8, 289:18, 290:2, 290:3, 290:4,
290:8, 290:19, 291:13, 291:17, 292:2,
292:10, 292:18, 293:1, 293:5, 294:12,
295:17, 296:6, 296:9, 297:6, 297:7,
297:18, 297:21, 298:5, 298:9, 299:5,

299:22, 300:17, 302:18, 303:21, 304:7,
304:14, 305:4, 305:5, 305:6, 305:24,
306:3, 306:4, 306:6, 306:25, 307:1,
307:3, 307:6, 308:8, 310:10, 310:12,
313:6, 313:16, 313:19, 314:22, 314:24,
315:2, 317:20, 318:19, 319:19, 321:13,
323:23, 324:1, 324:4, 324:10, 350:2,
353:20, 353:21, 356:21, 367:16,
367:21, 368:21, 368:23, 369:4, 369:10,
369:15, 369:16, 369:17, 369:21,
370:19, 370:22, 371:4, 371:10, 371:22,
372:3, 372:5, 372:21, 373:4, 373:8,
373:18, 373:19, 374:3, 374:5, 374:7,
374:14, 374:24, 375:3, 375:5, 375:8,
384:2, 384:3, 384:18, 384:25, 386:13,
387:23, 392:2, 392:12, 393:17, 394:3,
402:8, 402:9, 402:19, 402:22, 403:19,
403:23, 404:1, 404:5, 404:11, 404:13,
405:6, 405:12, 406:17, 407:23, 411:17,
411:20, 412:9, 413:11, 413:14, 413:23,
413:25, 414:9, 414:15, 415:16, 415:24,
416:3, 416:4, 418:3, 418:8, 418:11,
419:11, 419:15, 420:6, 421:3, 422:3,
422:10, 422:15, 422:17, 422:18, 424:4,
424:11, 427:19, 429:16, 431:4, 431:5,
431:8, 431:9, 431:12, 431:16, 433:12,
434:1, 434:25, 435:4, 436:9, 436:14,
437:8, 438:6, 439:15, 441:2, 441:8,
442:1, 442:5, 443:6, 446:11, 447:6,
453:18, 455:24, 461:9, 462:22, 466:2,
466:7, 467:18, 467:19, 467:21, 468:1,
468:6, 468:17, 469:19, 469:21, 470:3,
470:11, 470:13, 473:17, 473:21,
473:22, 473:24, 473:25, 476:10,
478:10, 479:14, 481:14, 481:19,
481:22, 481:23, 481:24, 482:3, 482:13,
482:15, 482:16, 483:4, 483:12, 483:18,
483:24, 484:2, 484:12, 484:19, 484:25,
486:15
Family's - 424:14
family's - 374:10
Fap - 347:25
Fappiano - 341:2, 347:25
far - 288:13, 288:21, 297:12, 303:12,
322:12, 353:15, 356:20, 372:9, 381:20,
381:21, 381:24, 487:17
Farber - 252:19, 253:10, 253:14,
253:17, 264:16, 269:1, 286:8, 308:3,
308:23, 310:19, 312:7, 314:10, 319:15,
334:13, 335:15, 352:19, 352:21,
357:11, 358:3, 361:6, 375:12, 376:3,
377:3, 386:1, 388:18, 436:3, 446:12
fast - 424:16
Fat - 346:24, 349:18, 420:13, 457:15
Fatato - 364:19
Father - 399:3
father - 253:6, 253:8, 337:20, 392:23,
395:2, 395:4, 395:8, 396:15, 398:5,
399:4, 399:7, 415:18, 431:4, 431:13,
441:8, 456:21, 458:19, 461:21
father's - 296:3, 392:24, 393:5
favor - 383:23
Fbi - 260:14, 284:16, 355:18, 355:21,
362:11, 362:12, 362:13, 379:2, 379:5,
478:2
fear - 295:5, 301:23, 308:12, 319:10,
371:19, 401:6, 484:19, 484:25
feared - 372:4
feature - 490:6
February - 264:21, 268:21, 327:3,
328:8, 343:16, 491:18
federal - 283:9, 353:11, 353:12,
379:7, 434:8, 434:9
feds - 434:6, 434:13
feel - 294:6, 299:13, 340:9, 446:14
feels - 293:25, 295:1
fellow - 428:10, 428:16, 464:16
fellows - 432:24
felt - 362:13, 371:2
female - 304:6

few - 253:24, 268:19, 280:22, 366:14, 366:15, 451:22
fifteen - 453:15
fifth - 433:6
fifty - 281:14
Fifty - 390:10
Fifty-three - 390:10
fig - 395:24
fight - 260:5
fight - 400:4
figs - 396:2
figure - 298:18, 416:4
figures - 265:2, 394:1, 394:21
filing - 367:7
final - 376:19
financial - 368:23
find - 356:5, 409:24
finger - 266:19, 300:20, 300:23, 430:21, 430:22, 430:24, 436:16, 466:7
fingers - 445:10
finished - 264:19, 422:12, 440:21
fire - 300:7, 300:21, 430:25
firm - 280:5
first - 258:5, 261:9, 265:17, 269:18, 271:13, 306:6, 315:25, 327:5, 327:14, 327:22, 328:11, 328:20, 328:24, 330:17, 330:25, 331:3, 331:17, 331:24, 332:5, 332:10, 332:13, 335:2, 335:9, 335:23, 336:2, 336:19, 337:24, 338:3, 338:21, 339:1, 341:1, 342:19, 346:3, 357:14, 374:24, 379:20, 379:23, 390:5, 390:13, 390:15, 390:17, 390:21, 392:12, 392:25, 393:8, 395:19, 398:16, 403:16, 405:17, 414:12, 422:25, 424:15, 426:3, 426:6, 431:5, 431:11, 436:16, 441:1, 441:3, 449:20, 450:14, 450:18, 456:24, 463:11, 463:18, 463:20, 463:21, 464:25, 475:5, 476:14, 478:24, 488:14, 489:23
First - 262:14, 329:14, 331:10, 336:14, 336:24, 339:18, 340:17, 341:7, 341:24, 376:10
Fish - 336:13, 336:19, 339:1, 339:15, 447:11, 447:18, 447:23, 447:25, 448:3, 476:20, 476:25
fit - 400:24
fits - 400:23
five - 259:9, 262:3, 262:4, 264:22, 270:8, 282:23, 284:17, 284:18, 284:20, 285:12, 290:6, 291:3, 291:6, 298:25, 319:18, 353:3, 381:11, 392:21, 396:3, 397:8, 397:11, 397:14, 420:23, 422:12, 489:12
Five - 397:7, 433:5
flaws - 371:14
flexibility - 372:23
flip - 324:17, 333:8
Floor - 252:19
floor - 449:20
Florida - 327:3, 454:6
fluid - 372:16
Flushing - 330:16
follow - 311:12, 357:11, 357:12, 366:4, 416:24, 453:18, 491:8
follow-up - 357:11
followed - 375:8, 431:25, 434:15, 434:16, 435:10, 435:16, 435:17
following - 256:3, 363:18, 393:19, 425:2, 425:5, 432:3
follows - 269:22, 387:12
For - 252:12, 252:17, 314:12, 333:4, 340:13, 341:17, 346:3, 370:8, 401:12, 438:9, 468:19, 469:3
for - 253:9, 253:15, 253:25, 254:15, 256:20, 257:13, 258:6, 258:22, 260:5, 261:18, 262:21, 263:7, 264:1, 264:6, 264:15, 265:8, 265:13, 265:14, 266:8, 266:13, 266:17, 267:1, 267:6, 267:21, 268:15, 269:9, 270:10, 271:4, 274:2, 274:7, 274:19, 274:23, 277:3, 277:17,

277:18, 279:5, 279:12, 279:13, 280:16, 286:17, 289:1, 290:9, 291:6, 291:10, 291:18, 292:3, 292:5, 293:20, 294:1, 294:9, 294:11, 295:9, 295:24, 296:15, 296:16, 297:6, 297:7, 297:11, 297:20, 297:21, 297:22, 298:1, 298:4, 298:8, 298:9, 300:4, 300:5, 301:8, 301:13, 301:22, 301:25, 302:11, 302:16, 302:17, 302:20, 305:14, 305:16, 305:18, 305:20, 306:3, 306:14, 307:20, 309:12, 309:16, 309:20, 310:2, 310:4, 310:12, 310:14, 310:15, 311:15, 311:19, 311:20, 312:2, 312:6, 313:1, 314:25, 315:12, 315:17, 316:1, 317:16, 317:23, 319:2, 319:12, 320:11, 323:8, 327:19, 328:7, 329:4, 329:7, 329:24, 330:2, 330:6, 332:24, 333:25, 334:12, 334:20, 338:16, 338:19, 340:3, 345:3, 352:8, 352:16, 354:23, 356:3, 359:11, 360:11, 368:23, 369:10, 369:23, 370:1, 371:6, 371:10, 372:10, 372:19, 373:13, 374:7, 375:11, 376:14, 377:13, 383:16, 383:20, 384:6, 393:19, 399:11, 399:23, 402:1, 403:12, 403:14, 408:8, 408:13, 409:2, 409:9, 409:22, 411:7, 411:13, 411:24, 412:17, 413:11, 413:21, 413:22, 413:24, 414:5, 416:16, 418:17, 418:23, 420:20, 421:11, 421:16, 421:20, 422:10, 422:25, 423:13, 424:10, 424:18, 424:19, 425:7, 426:9, 426:12, 426:19, 426:20, 430:16, 433:8, 434:14, 434:19, 434:21, 435:18, 435:20, 436:11, 436:25, 437:16, 437:17, 437:20, 437:21, 438:8, 439:5, 440:12, 442:11, 443:9, 443:20, 445:25, 447:4, 447:13, 448:7, 448:15, 449:2, 452:14, 452:19, 453:3, 453:9, 453:13, 454:18, 454:19, 461:19, 461:25, 462:4, 463:18, 464:14, 466:5, 466:8, 468:22, 470:7, 473:20, 474:3, 474:8, 475:12, 479:19, 481:19, 481:23, 482:15, 486:14, 486:17, 487:10, 487:20, 489:7
force - 488:22
forces - 366:6
foreman - 413:9, 413:15, 413:21
forever - 443:4
Forget - 442:10
forget - 444:10
Forgive - 255:3
form - 389:21, 432:6, 444:17, 453:6, 476:1, 481:1, 481:21, 483:21
formal - 261:4
formalize - 323:7
formed - 283:17, 283:20, 283:23, 392:22
former - 262:17, 362:10
forth - 353:23
forward - 322:10
found - 281:7
foundation - 365:4, 418:25, 419:3, 458:17, 463:14, 474:2, 487:13
four - 255:24, 256:8, 258:19, 259:8, 259:18, 287:3, 298:9, 298:11, 341:10, 381:6, 486:7
Four - 253:4, 256:11, 256:14
fourteen - 377:21
fourth - 340:16
Fourth - 328:14
frame - 460:11, 469:15
Francis - 341:24
Franco - 341:13
Frank - 332:5, 332:13, 336:21, 338:1, 340:25, 341:2, 341:8, 341:11, 347:25, 348:19, 349:14, 351:24, 364:21, 364:22, 401:25, 402:6, 418:18
Frankie - 347:25
Franky - 348:25
Franzese - 352:1
Frapiano - 364:21, 364:22
fraud - 262:2, 265:2

Freddy - 327:7
free - 267:6, 444:14, 452:15
freelance - 288:9
freely - 450:6
frequent - 275:25, 278:4, 411:17, 412:13
Frequently - 435:12
frequently - 315:15, 396:19, 417:18, 466:3, 467:18, 473:14, 476:16, 476:24, 479:8, 480:22, 480:25
Friday - 447:24, 490:25, 491:9
friend - 263:13, 302:9, 393:6, 441:24, 452:7
friendly - 423:15, 423:17
friends - 258:25, 265:19, 302:10, 396:12, 398:6, 459:4
Frigenti - 351:24
From - 271:24, 272:7, 284:10, 355:12, 366:5
from - 253:4, 254:18, 254:22, 255:5, 255:6, 256:4, 258:13, 259:19, 261:23, 262:8, 262:16, 262:19, 263:11, 263:12, 263:14, 263:19, 263:21, 264:6, 265:15, 266:7, 269:3, 269:4, 272:7, 272:11, 273:17, 279:22, 281:15, 283:18, 284:9, 290:3, 290:13, 291:25, 292:9, 292:10, 292:14, 293:3, 298:5, 298:8, 301:9, 303:19, 305:4, 305:6, 309:24, 311:4, 313:4, 313:21, 314:25, 316:25, 317:7, 318:18, 318:19, 319:3, 320:6, 327:3, 338:13, 354:5, 354:15, 355:13, 359:8, 363:16, 364:23, 366:15, 367:3, 367:5, 367:9, 370:13, 372:21, 373:4, 377:21, 377:24, 378:21, 378:25, 381:25, 382:7, 382:17, 382:20, 383:9, 389:20, 391:15, 395:20, 396:15, 398:1, 401:15, 401:24, 404:11, 409:6, 410:13, 410:15, 410:20, 410:25, 412:21, 412:25, 417:21, 420:24, 427:2, 427:14, 434:1, 436:11, 436:23, 438:13, 439:14, 439:24, 442:1, 442:4, 444:5, 445:18, 446:23, 448:20, 450:1, 450:9, 452:20, 469:24, 470:8, 476:9, 477:23, 482:11, 482:13, 483:6, 483:12, 483:20, 486:12
front - 297:11, 430:7
frontline - 287:7
frowned - 373:17
frowns - 371:8
fruits - 395:24
Fulfill - 269:2
full - 374:13
full-strong - 374:13
functioning - 468:11
funeral - 305:14, 321:6, 321:12, 336:2
Funeral - 327:22, 329:12, 330:24, 331:8, 331:22, 335:22
funerals - 304:25, 378:16, 452:14
funneled - 303:18, 319:4
further - 288:6, 305:25, 306:15, 352:8, 352:16, 384:8, 386:1, 387:4, 491:14
furtherance - 487:24

G

G - 348:9
gain - 297:14
gained - 354:18
Gallo - 341:7
Gambino - 256:4, 259:4, 259:20, 260:18, 260:19, 261:10, 261:12, 261:15, 261:16, 261:19, 261:25, 262:7, 262:16, 263:25, 264:5, 284:22, 284:25, 291:14, 302:18, 319:19, 319:21, 323:23, 323:25, 324:4, 324:10, 350:1, 362:10, 367:21, 370:22, 371:3, 387:24, 387:25, 388:5, 388:13, 388:16, 389:16, 390:7, 392:7, 392:10, 393:18, 393:21, 393:23, 394:5, 394:8, 394:9, 394:13, 395:8, 395:10, 397:3, 397:12, 398:8,

402:8, 402:9, 402:22, 403:18, 403:23, 404:1, 404:5, 404:13, 405:5, 405:12, 406:16, 411:17, 411:20, 412:9, 413:11, 413:14, 413:23, 413:25, 414:9, 415:15, 415:23, 416:4, 418:2, 419:10, 420:5, 421:3, 422:18, 424:13, 425:21, 426:1, 426:4, 428:24, 429:9, 433:3, 445:3, 445:13, 445:18, 446:5, 446:8, 446:15, 446:18, 446:24, 448:20, 449:1, 451:20, 452:2, 452:11, 452:24, 453:3, 453:4, 453:9, 453:10, 453:15, 455:6, 455:19, 455:23, 457:6, 457:22, 458:3, 458:9, 459:14, 459:15, 459:22, 460:21, 460:22, 461:3, 462:6, 462:10, 462:14, 462:22, 463:23, 464:16, 464:19, 464:23, 465:5, 465:10, 466:2, 467:18, 467:19, 467:21, 468:5, 470:2, 470:11, 470:13, 473:17, 473:21, 478:9, 479:13, 481:14, 481:22, 481:23, 482:3, 482:15, 482:16, 483:4, 483:11, 483:18, 483:24, 484:12, 484:18, 484:24, 486:12, 487:15
gambled - 411:3
gambling - 271:18, 283:1, 399:13
game - 396:23, 411:2, 411:5, 411:11, 411:12, 412:19
games - 396:16, 401:25, 403:2
Gammarano - 348:9
gang - 260:18, 361:10, 400:4, 400:5, 482:2, 485:21
gangsters - 395:19, 395:22, 396:9, 423:6, 425:16, 487:8
Garafola - 330:18, 347:23, 404:2, 417:19
garage - 259:17
garbage - 449:5
gatekeeper - 266:5
gather - 270:24, 276:22, 409:21
gathered - 354:15
gathering - 411:22
gatherings - 278:3
gave - 301:5, 354:4, 362:15, 385:15, 391:3, 407:8, 409:9
Gelb - 258:12, 258:14, 258:16, 258:17, 258:19, 258:20, 258:22, 258:25, 259:3, 264:7
Gelb's - 263:13
Gene - 429:23, 429:25, 440:13, 454:11, 456:25, 457:2, 457:5, 461:25
general - 322:12, 357:18, 360:7, 370:8, 372:20, 373:21, 380:5, 424:12, 486:22
generally - 304:11, 317:13, 371:7, 371:23, 443:7, 487:16
Generally - 276:19, 333:2, 356:7
generating - 412:17
Genie - 348:11
Genovese - 284:22, 285:7, 397:12, 422:18, 437:16, 437:24, 438:5
gentleman - 326:6, 337:21, 339:20, 340:17, 388:10
gentlemen - 257:6, 259:2, 259:8, 260:8, 263:3, 264:3, 269:12, 322:2, 322:11, 362:24, 375:17, 471:22, 484:6
George - 335:8, 335:9, 341:15
German - 415:18
gesture - 401:12
get - 256:20, 256:24, 257:9, 257:10, 257:11, 260:21, 262:7, 265:15, 267:6, 280:17, 292:5, 297:19, 298:5, 310:13, 310:16, 316:22, 318:18, 318:19, 319:5, 321:25, 356:6, 365:14, 370:19, 371:10, 373:9, 373:24, 375:19, 384:5, 385:17, 386:14, 387:2, 395:7, 396:3, 400:10, 402:5, 402:16, 404:9, 404:18, 405:11, 405:18, 407:23, 408:18, 410:13, 410:15, 410:20, 411:12, 413:15, 415:17, 416:23, 416:25, 417:2, 420:20, 422:8, 422:13, 423:21, 426:18, 427:2, 430:4, 433:8, 434:2, 434:14, 435:6, 435:7, 435:21, 436:1, 437:2, 438:13,

438:21, 440:12, 444:12, 445:10, 446:11, 446:20, 449:10, 481:3, 481:19, 481:24, 489:9
get-out-of-jail-free - 267:6
gets - 357:13, 357:14, 357:15
Getting - 426:13, 426:22
getting - 253:14, 306:13, 321:22, 373:14, 406:8, 424:6, 424:16, 424:19, 426:17, 426:22, 426:23, 434:21, 438:12, 456:12, 482:19
Gg - 428:20
gift - 406:24, 406:25, 407:3
gifts - 407:8, 407:9
Gigante - 437:15
Giordano - 332:4, 332:10
girlfriends - 306:24
give - 280:21, 299:17, 309:4, 311:3, 329:20, 329:25, 367:18, 382:9, 384:23, 385:19, 391:5, 396:1, 399:14, 399:21, 406:25, 407:1, 407:2, 407:3, 407:18, 409:10, 413:11, 417:16, 432:2, 437:13, 441:20, 445:11, 459:13, 478:1, 488:13, 489:14
Give - 254:2, 404:20, 407:15, 453:8
given - 314:18, 317:23, 357:13, 358:20, 390:23, 393:21, 395:4, 409:8, 409:13, 411:3, 433:25, 436:5, 440:11
gives - 296:15
giving - 257:11, 306:1, 353:4
go - 254:25, 255:24, 266:8, 274:24, 276:10, 278:15, 282:20, 288:1, 288:5, 298:17, 300:1, 303:7, 303:16, 305:13, 309:8, 315:19, 318:5, 320:9, 320:19, 322:10, 326:23, 330:5, 338:16, 369:15, 377:16, 385:10, 396:2, 399:17, 399:18, 401:19, 404:6, 405:17, 407:18, 410:17, 411:24, 412:5, 414:7, 414:14, 414:20, 415:2, 416:13, 421:19, 422:1, 422:17, 424:20, 428:13, 430:9, 431:16, 432:13, 432:14, 435:6, 440:3, 442:9, 447:2, 447:4, 448:3, 449:12, 449:13, 450:2, 453:10, 453:13, 453:15, 454:16, 454:18, 456:20, 456:21, 473:14, 473:19, 481:4, 487:17
Go - 253:16, 327:20, 382:2, 396:1, 412:3
goal - 267:23
goals - 488:2
godfather - 392:24, 393:5, 451:10
goes - 274:20, 303:12, 308:9, 369:13, 411:10, 421:21, 485:18, 488:13
Going - 454:11
going - 253:6, 254:17, 255:4, 256:3, 257:11, 258:4, 262:5, 262:14, 263:4, 290:9, 299:19, 305:19, 305:21, 306:13, 312:11, 318:8, 321:4, 321:18, 321:24, 329:9, 330:4, 338:19, 350:7, 363:14, 365:21, 367:25, 371:10, 373:13, 382:3, 384:8, 384:14, 385:15, 385:21, 395:14, 408:25, 410:17, 413:12, 414:20, 414:21, 416:18, 416:20, 416:21, 423:16, 425:18, 426:3, 426:18, 435:2, 437:18, 440:7, 441:15, 444:11, 447:2, 450:10, 451:3, 454:14, 460:16, 461:24, 465:9, 470:10, 474:3, 476:11, 485:8, 485:15, 487:1, 489:8, 489:9
gone - 370:11, 374:13
Good - 253:3, 257:6, 257:7, 260:8, 264:13, 270:4, 270:5, 352:22, 352:23, 377:4, 377:5, 485:8, 491:17
good - 255:21, 263:13, 267:20, 295:4, 304:7, 354:2, 408:12, 412:18, 412:25, 450:23, 459:3, 487:4
goodfella - 426:25
goodfellas - 261:5, 287:18, 439:1
goofy - 400:23, 477:25, 478:1, 478:5, 479:5
Gossip - 443:18
gossip - 471:15
gossips - 488:9

Got - 427:16
got - 259:22, 259:25, 262:10, 271:13, 367:9, 376:19, 377:25, 395:25, 398:7, 401:10, 401:24, 402:1, 414:4, 422:25, 423:15, 423:17, 424:4, 427:17, 429:23, 440:15, 440:17, 440:23, 440:25, 442:10, 444:6, 444:21, 450:4, 451:23, 454:15, 454:17, 455:25, 468:20, 469:4, 472:24, 474:24, 477:5, 478:22
gotten - 402:9, 402:22
Gotti - 259:19, 259:20, 259:21, 259:22, 285:6, 328:5, 328:12, 329:17, 330:23, 331:20, 335:5, 336:3, 336:9, 336:14, 336:15, 336:20, 336:22, 336:25, 337:3, 337:7, 337:8, 337:12, 337:13, 337:16, 337:19, 337:20, 337:22, 338:3, 338:7, 338:16, 339:3, 342:22, 342:23, 342:24, 342:25, 343:1, 347:15, 347:19, 347:21, 348:11, 348:13, 348:15, 370:25, 407:9, 418:18, 419:5, 419:7, 419:8, 419:13, 419:16, 420:14, 421:5, 428:8, 428:15, 429:15, 429:23, 429:24, 429:25, 431:24, 432:10, 433:2, 440:13, 441:5, 441:25, 447:7, 450:11, 450:12, 450:14, 450:18, 451:7, 451:11, 451:17, 452:6, 453:21, 454:3, 454:11, 454:12, 456:4, 456:16, 456:25, 457:1, 457:2, 457:5, 457:9, 458:15, 459:1, 459:5, 459:8, 459:16, 460:4, 460:12, 460:17, 461:1, 461:3, 461:21, 461:24, 461:25, 462:3, 462:12, 476:8, 476:22, 480:12, 480:23, 480:24, 481:8, 481:9
Gotti's - 427:10
Gottis - 483:7, 484:13
govern - 438:23
government - 253:12, 255:11, 258:5, 262:12, 263:8, 266:18, 267:1, 269:6, 269:19, 280:25, 304:1, 346:7, 346:8, 357:2, 357:19, 361:8, 365:18, 387:8, 390:5, 482:24, 490:18, 490:24, 491:1, 491:6
Government - 252:12, 285:22, 327:11, 329:4, 329:8, 330:20, 331:6, 331:14, 335:19, 338:18, 339:13, 340:14, 340:23, 341:5, 342:13, 342:14, 343:15, 344:4, 344:7, 344:21, 345:4, 345:20, 345:22, 345:24, 346:4, 346:5, 346:6, 346:7, 346:14, 346:15, 346:17, 346:19, 346:21, 346:23, 346:25, 347:6, 347:8, 347:12, 348:5, 349:15, 349:25, 350:7, 350:10, 352:6, 410:22, 415:12, 415:19, 417:25, 419:6, 420:2, 420:8, 420:10, 428:20, 429:2, 429:5, 429:13, 478:6
government's - 256:18
Government's - 285:16, 285:19, 324:16, 326:17, 333:5, 333:7, 334:12, 394:11, 398:10, 451:24, 454:25, 455:2, 457:3, 457:18, 457:25, 458:6, 458:12, 462:2, 462:16, 462:19
grab - 344:25, 478:4
graduate - 401:15
grain - 362:1
grand - 367:12, 367:14, 454:16, 454:17, 480:13
grandfather - 391:20, 392:16, 393:8, 393:16, 395:6, 395:10, 395:24, 396:12, 397:5, 398:5
Grandfather - 392:16
grandfather's - 392:17, 393:5, 393:25, 394:6, 394:19, 395:1
grandmother - 391:20
grant - 274:5
Gravano - 335:10, 347:13, 413:12, 413:13, 413:16, 414:23, 415:20, 415:21, 416:1, 416:14, 416:15, 430:7, 430:12, 431:1, 463:20, 469:11, 469:18, 469:24, 470:4, 470:8, 470:9, 470:15, 470:21, 472:6, 472:10, 472:12, 473:1,

473:5, 473:6, 473:7
Gravano's - 469:19
great - 392:16, 414:7, 424:24
greeted - 428:5, 428:17
grew - 397:21, 437:19, 455:21
ground - 399:9
group - 272:1, 326:10, 334:4, 341:20, 388:24, 393:2
grow - 370:18, 387:2, 391:17, 437:11, 446:11
growing - 391:19, 398:2, 405:9, 438:8, 451:12, 452:8
Guerrieri - 336:17, 341:8, 341:11, 342:1, 342:3, 342:5, 348:17
guess - 313:23, 425:7, 460:10, 464:11
Guidici - 348:19
guilt - 262:12
guilty - 262:25, 264:9, 265:15, 265:23, 269:8, 322:15
Guisepe - 341:14
Guitano - 364:19
gun - 300:2, 300:4, 301:11, 301:22
gunned - 258:16
Gurino - 331:8, 331:11
Gus - 346:20
guy - 371:12, 388:21, 393:2, 399:20, 401:3, 414:16, 414:17, 416:15, 416:17, 416:21, 422:6, 424:9, 435:3, 438:2, 439:20, 439:23, 443:20, 443:21, 445:16, 475:18, 477:1, 479:15, 487:17
guy's - 399:18
Guys - 438:3
guys - 261:5, 287:18, 382:4, 383:5, 396:17, 411:23, 417:1, 422:20, 422:22, 422:24, 424:18, 438:21, 439:4, 440:11, 440:17, 443:6, 444:13, 444:20, 444:21, 445:16, 448:5, 452:19, 458:15, 458:20, 461:18, 475:17, 475:19, 476:9
guys' - 449:7

H

H - 269:20, 387:10, 429:2, 492:3, 492:6
Had - 400:1, 417:9
had - 254:21, 254:22, 260:4, 271:9, 272:11, 291:8, 297:25, 299:12, 303:7, 321:1, 340:4, 354:2, 356:10, 356:12, 361:3, 362:4, 363:8, 363:11, 365:4, 377:6, 377:10, 377:23, 378:1, 378:7, 379:13, 379:25, 380:2, 387:20, 389:24, 390:16, 391:16, 393:23, 395:6, 395:10, 395:24, 396:12, 396:14, 396:16, 396:23, 399:8, 399:20, 401:24, 406:2, 408:20, 410:20, 411:2, 413:4, 414:4, 415:5, 416:14, 419:13, 421:11, 423:9, 423:18, 423:21, 426:14, 426:15, 427:18, 427:19, 437:18, 438:4, 438:6, 438:9, 438:11, 446:4, 447:4, 447:22, 447:24, 448:14, 449:13, 449:18, 449:20, 449:23, 450:1, 454:13, 454:21, 455:15, 455:25, 456:10, 461:22, 466:21, 471:6, 472:23, 473:3, 473:24, 474:18, 475:25, 476:8, 477:14, 478:19, 479:20, 480:2, 480:11, 483:1, 490:2, 490:24
hair - 370:9, 370:15, 370:19, 370:21, 370:23, 371:1, 371:8, 371:11, 386:22, 437:4, 437:11, 437:14, 437:24
Half - 353:3
half - 281:8
half-truth - 281:8
hall - 452:21
Hall - 328:10
Hand - 370:14, 393:10, 393:11
hand - 304:3, 357:14, 362:20, 393:13, 401:9, 411:8, 430:24
handled - 438:16, 454:14
hands - 299:23, 300:25, 304:18,

372:12, 432:20, 433:19
hang - 396:4, 409:23, 409:24, 411:25, 477:3
hanging - 488:21
happen - 262:10, 297:17, 300:19, 307:21, 318:12, 318:21, 320:8, 369:12, 375:5, 383:7, 384:15, 385:25, 457:12
happened - 354:1, 355:19, 359:13, 372:6, 374:12, 383:9, 391:14, 418:13, 418:21, 427:17, 428:3, 429:22, 430:4, 432:18, 433:6, 440:22, 440:25, 444:20, 479:18
happening - 359:14
happens - 291:24, 293:6, 293:17, 299:15, 309:20, 312:4, 323:6, 355:23, 359:2, 367:6, 368:4, 412:4, 421:24, 422:11, 444:8, 445:20
happy - 318:20
hard - 274:6, 275:14, 275:15, 305:14, 305:18, 305:20, 486:2
harder - 487:7
harm - 373:16
harmed - 319:12
Harriet - 330:16
harshly - 312:6
Has - 285:18, 296:11
has - 256:2, 258:5, 260:22, 260:23, 264:19, 265:22, 266:16, 266:17, 267:19, 280:6, 285:21, 286:14, 288:5, 288:22, 292:1, 295:6, 295:15, 296:13, 297:13, 298:1, 298:5, 299:17, 301:20, 304:7, 314:1, 316:22, 317:20, 322:11, 334:23, 343:11, 355:19, 358:11, 360:22, 361:8, 361:10, 361:20, 362:4, 370:11, 372:23, 373:17, 374:12, 375:19, 382:5, 382:10, 383:13, 384:15, 385:13, 422:17, 437:8, 437:9, 439:15, 439:23, 439:25, 442:2, 486:19, 488:22
hasn't - 383:10
Have - 273:7, 273:12, 273:20, 276:6, 278:18, 279:15, 281:11, 282:8, 282:14, 282:19, 283:4, 283:17, 283:20, 283:23, 297:2, 323:22, 324:21, 325:20, 333:11, 344:7, 344:13, 356:10, 362:3, 362:15, 367:7, 390:1, 445:23
have - 253:4, 253:20, 254:21, 256:15, 256:22, 257:10, 257:12, 258:4, 261:3, 262:21, 262:24, 262:25, 263:1, 263:5, 264:16, 265:14, 266:4, 268:12, 270:6, 271:6, 271:21, 273:2, 273:24, 273:25, 274:4, 274:11, 274:23, 275:4, 275:6, 275:8, 275:9, 276:4, 276:11, 278:13, 279:6, 279:20, 280:12, 280:17, 280:24, 281:1, 281:3, 281:7, 282:3, 282:8, 282:24, 282:25, 283:9, 284:22, 285:13, 285:15, 285:16, 286:18, 286:24, 287:4, 288:15, 288:16, 289:7, 291:21, 292:17, 293:4, 296:2, 296:4, 296:7, 297:19, 297:23, 299:1, 299:12, 299:25, 300:8, 302:12, 302:14, 302:19, 302:22, 303:12, 303:18, 303:23, 304:6, 305:6, 305:13, 306:11, 306:17, 306:20, 308:10, 308:13, 309:21, 310:11, 311:3, 311:21, 312:24, 313:19, 314:19, 315:9, 315:21, 316:19, 316:20, 316:25, 320:4, 320:15, 321:16, 321:23, 324:6, 324:12, 324:14, 326:1, 329:9, 330:5, 333:16, 334:16, 335:16, 338:19, 340:11, 345:5, 347:16, 352:8, 352:16, 352:24, 353:1, 353:14, 353:18, 354:21, 354:22, 356:5, 356:12, 356:15, 357:24, 358:6, 359:9, 360:13, 361:2, 361:12, 361:16, 361:19, 361:25, 363:21, 364:22, 365:2, 365:20, 366:16, 367:7, 369:9, 370:7, 370:9, 370:15, 370:18, 371:8, 371:9, 371:16, 371:20, 371:24, 372:2, 372:19, 373:15, 373:16, 375:8, 375:24, 380:17, 382:3, 382:6, 382:9, 383:2, 383:14, 384:6, 384:11, 384:19, 384:21, 384:23, 385:3, 385:17, 385:18, 386:1, 387:20, 390:19,

390:21, 395:2, 400:6, 402:9, 402:12, 402:20, 402:22, 404:14, 404:16, 405:17, 405:20, 406:15, 408:15, 409:2, 409:12, 410:4, 410:6, 410:15, 410:19, 411:11, 413:20, 414:7, 416:1, 416:17, 419:24, 420:12, 420:23, 421:19, 422:12, 422:16, 423:22, 424:22, 424:23, 426:17, 430:16, 431:6, 431:7, 435:1, 435:2, 435:3, 435:5, 436:6, 436:20, 438:22, 439:5, 439:8, 439:13, 440:1, 440:5, 441:7, 441:12, 444:12, 447:3, 447:6, 448:7, 448:25, 449:4, 449:9, 449:12, 449:13, 451:7, 452:23, 454:22, 455:8, 456:10, 456:11, 457:20, 459:13, 460:14, 460:20, 460:25, 468:2, 469:24, 471:22, 472:4, 473:20, 474:10, 474:17, 482:2, 482:14, 483:4, 483:17, 484:11, 485:1, 485:15, 486:2, 486:4, 487:4, 487:17, 489:5, 490:8, 491:10
haven't - 361:22, 383:8, 490:6
having - 269:21, 371:11, 387:11, 407:19, 467:21, 470:11, 486:21
he - 254:7, 254:10, 254:18, 254:21, 254:22, 255:5, 256:4, 259:25, 260:5, 261:10, 261:13, 261:14, 261:16, 261:17, 261:24, 262:8, 262:9, 265:22, 265:23, 266:13, 266:17, 266:18, 286:16, 298:5, 312:10, 314:1, 314:23, 319:22, 334:24, 337:19, 340:4, 347:16, 357:15, 358:11, 358:14, 361:2, 361:3, 362:4, 362:9, 362:15, 363:11, 363:14, 371:2, 374:9, 388:16, 389:2, 389:7, 393:23, 395:6, 396:23, 397:1, 398:4, 398:13, 399:7, 399:16, 399:17, 399:20, 402:7, 402:18, 407:8, 407:9, 409:9, 410:15, 414:14, 414:20, 414:25, 415:1, 415:15, 415:23, 416:4, 416:6, 416:14, 418:2, 418:7, 418:15, 418:19, 419:10, 420:5, 420:12, 421:16, 421:18, 421:22, 422:6, 423:9, 423:16, 425:20, 426:9, 426:10, 427:5, 428:24, 429:8, 429:16, 430:12, 431:4, 432:11, 432:13, 437:16, 437:17, 437:18, 437:19, 437:21, 438:9, 438:10, 438:11, 439:20, 440:6, 442:8, 443:21, 447:11, 448:6, 448:8, 449:5, 450:4, 450:6, 450:7, 450:12, 451:11, 451:23, 452:2, 452:4, 453:2, 453:23, 454:16, 454:17, 454:18, 454:19, 454:20, 455:8, 455:15, 455:17, 455:19, 456:10, 456:24, 457:6, 457:14, 457:20, 457:22, 458:3, 458:9, 459:11, 459:18, 460:6, 461:12, 461:14, 461:19, 462:6, 462:11, 463:2, 463:4, 463:6, 463:8, 463:11, 464:24, 464:25, 465:9, 465:10, 466:10, 467:8, 467:14, 468:3, 469:6, 469:24, 470:10, 474:23, 474:24, 475:16, 476:8, 477:5, 477:11, 477:19, 478:2, 478:3, 478:9, 479:5, 479:20, 480:2, 481:3, 481:12, 482:1, 483:23, 484:1, 484:14, 485:4, 486:11, 486:19, 487:17, 487:18, 490:5
He - 254:18, 254:20, 255:23, 258:12, 258:14, 259:13, 259:24, 261:15, 263:9, 266:16, 286:15, 286:16, 314:23, 317:19, 319:23, 337:21, 354:2, 357:13, 357:14, 361:6, 361:10, 362:10, 362:12, 388:15, 388:21, 391:25, 395:3, 395:6, 397:4, 398:9, 398:16, 402:8, 402:19, 413:14, 414:15, 415:1, 415:2, 415:17, 418:14, 418:22, 419:12, 420:9, 421:21, 423:10, 423:16, 427:18, 427:19, 428:19, 429:4, 429:10, 430:14, 430:15, 430:16, 430:19, 430:21, 432:16, 438:9, 439:22, 439:23, 449:3, 450:21, 452:4, 454:19, 455:13, 455:15, 455:23, 456:2, 456:11, 457:8, 459:3, 461:17, 462:8, 462:14, 462:15, 462:24, 467:12, 469:2, 469:20, 475:19, 477:20, 478:4, 478:13, 479:15, 479:17, 479:19, 480:4, 481:11, 484:13, 484:17, 486:18, 486:19

<p>he'll - 254:9, 290:10 He's - 253:7, 255:24, 261:20, 287:1, 287:2, 361:9, 390:22, 404:23, 440:13, 440:16, 441:8, 448:24 he's - 259:16, 260:24, 287:1, 288:2, 290:9, 299:20, 302:8, 312:10, 313:25, 317:18, 342:1, 350:2, 357:15, 361:10, 363:10, 365:4, 374:8, 380:18, 404:23, 439:12, 442:1, 449:6, 456:1, 477:15, 490:1, 490:4 head - 259:18, 345:5, 345:6, 423:22, 430:9, 486:7 headquarters - 427:10 headshot - 394:15 headshots - 381:3 health - 384:6 hear - 257:23, 258:1, 262:6, 262:16, 262:19, 263:11, 263:12, 263:14, 263:21, 266:7, 267:4, 268:3, 275:25, 277:11, 277:12, 284:7, 287:17, 288:17, 288:18, 302:9, 305:12, 317:12, 357:14, 357:24, 363:16, 419:2, 428:12, 475:5, 476:12, 481:13, 482:19 heard - 253:5, 297:2, 442:10, 445:23, 463:12, 476:13, 483:1, 485:20, 486:11 hearing - 254:7, 263:11, 376:17 hearsay - 363:17, 471:14, 471:15, 474:7, 488:3, 488:22 heart - 259:11, 259:15, 356:5, 356:11 heat - 434:10 held - 272:19, 299:4, 299:11, 432:20, 448:13 hell - 300:8, 431:3 help - 295:18, 322:12, 330:1, 357:20, 357:21, 424:3, 424:6, 424:12, 425:18, 453:18, 456:1, 465:9 helped - 353:25 her - 256:12 here - 257:11, 258:14, 260:10, 261:20, 299:24, 301:2, 326:3, 327:20, 336:11, 337:8, 344:12, 345:1, 353:1, 353:5, 359:22, 363:19, 376:11, 380:20, 383:6, 396:3, 396:4, 415:1, 430:13, 485:8 Here - 380:24, 380:25 heroin - 440:13, 440:15, 479:19 hidden - 273:21 hide - 309:11 hiding - 382:7, 382:8 hierarchy - 277:16, 285:25, 291:19, 353:22, 383:21 High - 370:22 high - 271:21, 299:21, 370:20, 386:7, 401:15, 411:23, 413:10, 463:22 high-ranking - 386:7, 463:22 high-rise - 413:10 higher - 287:10, 309:14, 372:4, 405:19, 406:11, 420:18 higher-level - 287:10 higher-ups - 372:4 highest - 415:15, 415:23, 418:2, 419:10, 420:5, 428:24, 429:8, 429:16, 452:2, 455:5, 457:6, 457:22, 458:3, 458:9, 462:6, 462:22, 478:9 highly - 491:10 him - 256:1, 256:7, 259:18, 260:2, 260:6, 262:20, 262:21, 263:14, 265:25, 299:21, 302:7, 326:3, 326:5, 336:4, 336:6, 339:22, 340:9, 341:19, 342:1, 353:25, 357:14, 357:17, 358:12, 361:5, 362:14, 363:3, 363:4, 363:6, 363:16, 375:4, 376:4, 388:9, 388:25, 392:1, 392:21, 393:19, 396:13, 399:2, 399:4, 399:21, 404:23, 404:24, 407:25, 409:10, 416:19, 416:22, 417:14, 417:16, 421:22, 421:23, 423:17, 427:8, 429:24, 429:25, 432:12, 438:8, 439:18, 439:20, 441:3, 441:7, 442:9, 443:22, 447:4, 447:12, 448:6, 448:11, 449:12, 450:22, 450:24, 451:1, 451:14, 451:17,</p>	<p>451:20, 452:8, 454:18, 455:13, 455:14, 455:15, 455:16, 455:25, 456:1, 456:2, 456:3, 456:13, 456:14, 456:15, 458:20, 459:11, 459:18, 461:6, 461:20, 461:21, 462:4, 464:19, 466:10, 466:18, 467:4, 473:19, 474:18, 474:20, 475:14, 476:19, 476:24, 477:1, 477:4, 477:9, 477:21, 477:22, 477:24, 478:8, 478:17, 478:25, 479:6, 479:18, 480:21, 481:19, 484:19, 486:14, 486:17, 487:14, 487:20, 490:5 Him - 471:3 himself - 354:3, 380:14, 385:14, 395:7, 465:11, 477:12, 478:13 hired - 272:21, 272:25 His - 266:9, 267:25, 286:14, 398:5, 415:18, 441:25, 442:1, 448:18, 457:17, 460:24, 461:24, 483:7 his - 253:6, 253:8, 254:9, 254:19, 258:16, 258:17, 258:18, 258:25, 259:15, 259:23, 260:4, 261:11, 261:15, 262:7, 262:8, 263:13, 263:20, 265:17, 265:19, 267:15, 286:14, 286:17, 286:20, 286:21, 288:1, 288:3, 288:4, 290:10, 298:5, 298:7, 300:11, 300:13, 300:23, 302:7, 304:17, 314:23, 337:20, 340:4, 351:4, 388:13, 392:20, 392:23, 393:17, 393:19, 393:22, 394:1, 394:21, 395:4, 398:8, 399:15, 416:9, 417:11, 417:18, 428:10, 438:12, 439:20, 441:8, 448:5, 448:7, 449:3, 449:7, 449:10, 450:16, 450:18, 450:20, 451:9, 451:10, 455:23, 456:21, 457:14, 457:15, 458:16, 459:3, 461:21, 472:13, 472:18, 473:3, 473:14, 473:19, 475:5, 477:7, 477:15, 478:4, 478:20, 479:8, 480:7, 481:9, 481:13, 483:7, 487:15 historic - 299:17 Historically - 297:8 historically - 299:18, 299:24, 300:2 history - 283:17, 422:5, 422:6 hit - 304:22, 317:12, 450:4, 450:23, 486:13 hits - 372:2 hitting - 491:4 hold - 272:19, 299:23, 354:2 holding - 289:1 holds - 361:2 holidays - 448:14, 448:15, 448:16, 448:18 Home - 327:22, 329:12, 330:24, 331:8, 331:23, 335:22 home - 258:14, 275:17, 399:8, 409:21 homes - 275:9, 321:7, 321:12 homicide - 488:7, 490:4, 490:5 homicides - 296:14 honor - 259:1, 287:18, 290:19, 290:22 Honor - 253:10, 255:25, 256:15, 267:16, 267:25, 285:19, 286:2, 334:11, 337:14, 352:19, 358:3, 376:23, 386:3, 387:4, 387:16, 394:17, 489:10, 489:21 Honorable - 252:9 hooked - 375:3 hope - 263:5, 490:23 horses - 399:7 horseshoe - 430:6 Hot - 350:17 Hotel - 327:4 hotel - 299:13 hours - 377:21, 377:22 house - 303:13, 394:25, 395:1, 396:9, 396:17, 396:20, 397:3, 397:4, 397:9, 398:17, 411:10 How - 271:6, 271:23, 272:4, 272:24, 273:10, 273:24, 279:20, 281:13, 283:9, 290:5, 290:12, 292:22, 292:25, 308:2, 308:6, 310:9, 321:23, 324:12, 324:14, 340:7, 353:14, 377:20, 381:9, 386:11, 389:11, 390:3, 390:9, 390:19, 391:24, 392:8, 394:19, 394:24, 395:11, 395:15,</p>	<p>397:6, 399:2, 399:23, 400:10, 401:8, 402:5, 402:16, 403:14, 405:8, 409:12, 410:6, 410:25, 411:3, 411:7, 412:21, 412:25, 413:15, 416:6, 417:16, 419:13, 422:21, 433:3, 435:22, 443:15, 446:14, 446:17, 449:15, 451:14, 452:5, 458:15, 458:22, 463:11, 463:18, 477:24 how - 262:6, 263:17, 263:23, 270:6, 273:5, 273:15, 278:12, 282:20, 283:7, 283:20, 283:23, 291:13, 300:13, 310:9, 312:6, 312:10, 320:23, 324:6, 324:9, 353:1, 354:2, 360:22, 362:13, 365:9, 370:4, 370:11, 371:2, 377:16, 378:22, 378:24, 381:13, 408:25, 412:17, 413:17, 417:14, 417:18, 422:15, 426:6, 431:15, 431:16, 432:16, 435:22, 435:23, 438:15, 438:25, 443:5, 444:4, 444:5, 444:25, 454:14, 456:19, 463:4, 468:10, 468:19, 469:3, 476:16, 478:19, 478:21, 479:20, 489:1 Howard - 328:10, 342:18 However - 255:18 however - 365:12 Huck - 345:23, 428:15 human - 278:18, 278:20 hundred - 273:6, 273:11, 273:16, 273:25, 279:21, 305:16, 409:10, 411:5 hung - 454:11, 477:1 Hunt - 336:13, 336:19, 338:25, 339:15, 447:11, 447:18, 447:23, 447:25, 448:2, 448:3, 476:20, 476:25 Hunter - 351:18 hurt - 408:18, 424:12 hurts - 294:23 Hypocrisy - 440:9 hypocrisy - 440:20 hypothetical - 490:8</p>
		<p>I</p>
		<p>I - 253:5, 253:7, 253:8, 253:15, 253:17, 253:23, 254:23, 254:24, 255:2, 255:3, 255:10, 255:18, 256:4, 256:12, 256:13, 256:20, 257:1, 257:9, 257:10, 257:18, 257:19, 257:20, 257:22, 257:23, 257:24, 260:11, 264:11, 266:11, 267:5, 268:1, 268:18, 268:21, 268:25, 269:5, 269:20, 269:24, 269:25, 271:11, 271:12, 271:13, 271:14, 271:24, 272:8, 272:21, 272:25, 273:25, 276:10, 276:13, 276:14, 277:1, 282:25, 285:15, 286:2, 286:5, 287:13, 291:11, 292:11, 296:12, 301:5, 301:22, 303:7, 305:23, 306:1, 308:4, 308:24, 310:20, 311:4, 312:4, 312:8, 313:14, 313:23, 314:11, 319:16, 321:1, 321:3, 322:8, 323:7, 324:16, 325:12, 325:13, 326:21, 327:3, 328:6, 329:8, 332:16, 332:22, 333:3, 333:24, 334:18, 337:13, 337:19, 339:21, 340:8, 340:9, 341:17, 344:5, 344:21, 346:3, 347:11, 350:15, 352:8, 352:16, 352:24, 354:12, 356:12, 357:9, 360:3, 360:6, 360:11, 361:7, 361:17, 361:22, 362:8, 362:13, 362:23, 362:25, 363:10, 363:21, 364:22, 365:8, 365:9, 365:24, 366:1, 366:15, 366:23, 367:11, 367:23, 368:14, 370:8, 370:14, 371:2, 372:18, 373:21, 374:20, 374:24, 375:12, 375:20, 376:1, 376:4, 376:12, 376:16, 376:20, 377:13, 378:19, 378:20, 378:21, 378:24, 379:3, 379:4, 379:22, 380:9, 380:16, 380:17, 381:5, 382:15, 382:18, 383:5, 383:8, 383:24, 384:14, 384:25, 385:19, 386:1, 387:10, 387:15, 387:16, 390:16, 390:22, 391:6, 392:6, 392:11, 394:14, 394:17, 394:25, 395:13, 395:16, 395:18, 395:20, 395:21, 395:25, 396:2, 396:3, 396:15, 398:1, 398:2, 398:3, 398:6, 398:16, 399:5, 399:8, 399:9, 399:18, 399:21,</p>

400:4, 400:11, 400:18, 401:24, 401:25, 402:1, 402:4, 402:13, 402:15, 402:21, 403:8, 403:9, 403:25, 404:5, 404:6, 404:16, 404:17, 405:7, 405:9, 405:13, 405:14, 405:24, 406:5, 406:14, 407:8, 407:15, 408:8, 408:20, 409:7, 409:10, 410:17, 411:1, 411:2, 411:5, 411:10, 411:22, 412:18, 412:19, 412:22, 413:1, 413:2, 413:6, 413:9, 413:20, 414:4, 414:6, 414:7, 414:20, 415:1, 415:2, 415:8, 415:9, 415:18, 416:14, 416:19, 417:12, 417:25, 419:2, 419:4, 423:15, 423:17, 424:9, 424:23, 425:7, 426:5, 426:14, 426:15, 426:18, 427:8, 427:24, 428:7, 428:10, 428:12, 428:20, 429:2, 429:13, 430:3, 430:5, 430:9, 430:10, 430:11, 430:13, 430:14, 430:15, 430:19, 430:21, 431:2, 432:19, 432:23, 433:20, 434:3, 434:16, 435:25, 436:4, 438:10, 440:19, 441:8, 442:7, 442:8, 442:9, 443:5, 443:6, 443:18, 444:4, 445:11, 445:13, 445:16, 446:8, 446:9, 446:16, 446:19, 446:21, 446:23, 447:4, 447:12, 448:1, 448:2, 448:8, 449:16, 450:15, 451:5, 451:10, 451:18, 451:22, 454:6, 454:21, 455:11, 455:13, 455:14, 455:16, 455:18, 456:1, 456:2, 456:20, 456:22, 460:10, 461:24, 461:25, 463:3, 463:12, 463:20, 464:11, 464:15, 464:24, 466:8, 466:9, 467:3, 467:25, 468:3, 468:18, 468:20, 469:4, 470:5, 470:10, 470:18, 471:1, 471:3, 471:7, 471:8, 471:9, 471:13, 471:14, 471:17, 471:22, 471:23, 471:25, 472:3, 472:4, 472:13, 472:23, 473:10, 473:14, 473:18, 473:23, 474:5, 474:15, 474:23, 475:9, 475:23, 475:25, 476:9, 476:11, 476:12, 477:12, 477:15, 477:22, 478:4, 478:21, 478:22, 479:4, 479:11, 479:25, 481:2, 481:4, 481:5, 481:6, 481:17, 482:21, 483:16, 483:22, 484:1, 484:2, 484:5, 484:6, 484:9, 484:16, 484:21, 485:6, 485:18, 485:19, 485:20, 486:16, 486:25, 487:2, 487:3, 487:4, 487:6, 487:10, 487:12, 487:16, 487:22, 487:23, 488:3, 488:5, 488:8, 488:10, 488:12, 488:21, 488:24, 489:4, 489:5, 489:6, 489:8, 489:14, 489:17, 489:20, 489:25, 490:3, 490:7, 490:8, 490:14, 490:18, 490:22, 490:23, 491:1, 492:3, 492:6
Id - 315:19, 326:17, 439:12, 439:22
Ill - 265:9, 276:11, 299:17, 329:4, 329:7, 329:25, 345:8, 345:9, 365:6, 388:19, 389:22, 427:6, 441:20, 444:18, 480:6
Im - 257:8, 260:9, 270:10, 276:12, 276:14, 285:16, 285:21, 337:21, 345:3, 345:20, 346:15, 350:7, 356:20, 359:12, 359:17, 363:6, 367:5, 367:6, 367:22, 371:24, 372:6, 372:15, 374:22, 375:1, 375:10, 380:16, 382:3, 383:6, 383:9, 385:21, 394:11, 398:10, 410:22, 415:12, 417:25, 419:6, 420:2, 420:8, 420:10, 421:22, 421:23, 422:23, 425:24, 428:11, 429:8, 432:4, 445:11, 445:12, 445:14, 445:17, 447:25, 448:1, 451:10, 451:24, 454:25, 455:2, 457:3, 457:18, 457:25, 462:16, 462:19, 463:21, 464:6, 470:6, 471:7, 473:11, 474:6, 478:6, 483:9, 484:7, 491:6, 491:13
Ive - 276:20, 278:21, 279:2, 339:11, 340:8, 359:12, 363:4, 366:11, 367:19, 377:12
Iaria - 327:10, 347:11
Ice - 485:8
Idea - 358:6, 479:7
Identification - 388:11
Identifications - 325:14, 334:1,

339:7, 340:5
Identified - 325:12, 325:13, 332:22, 333:24, 339:22, 340:3, 344:11, 375:4
Identify - 277:8, 278:6, 284:16, 284:19, 321:5, 321:10, 322:22, 323:19, 326:5, 326:14, 333:25, 334:8, 334:18, 334:20, 334:23, 344:16, 345:9, 375:1, 388:9, 396:20, 398:11, 400:25, 403:10, 415:13, 457:4
Identifying - 326:7
Identifying - 284:11, 337:22
Identity - 280:22
Idle - 471:15, 485:19
Idolized - 398:2
Ids - 340:9
If - 255:25, 274:4, 274:9, 274:10, 274:17, 274:20, 281:7, 289:5, 292:15, 294:17, 295:5, 298:4, 298:7, 303:22, 306:9, 308:9, 309:20, 310:11, 312:10, 312:13, 313:22, 314:18, 316:18, 316:23, 318:16, 324:17, 326:21, 326:23, 327:12, 329:20, 334:18, 334:22, 334:24, 354:2, 354:24, 356:16, 357:1, 366:22, 367:16, 371:8, 373:11, 374:8, 375:4, 375:7, 384:25, 385:2, 385:16, 406:25, 407:3, 413:1, 417:18, 428:11, 431:2, 432:10, 433:11, 433:14, 433:15, 433:16, 436:5, 438:19, 439:16, 442:7, 446:4, 449:4, 449:12, 466:4, 482:8, 484:1, 487:24, 488:17, 490:2
If - 255:5, 257:19, 257:20, 262:10, 267:7, 274:17, 274:21, 274:24, 275:13, 276:13, 276:14, 278:4, 285:15, 286:11, 290:9, 292:7, 292:11, 292:12, 293:17, 293:23, 293:24, 294:16, 294:24, 295:18, 297:10, 297:22, 298:25, 300:3, 300:9, 301:14, 302:6, 302:19, 303:12, 304:5, 304:22, 311:23, 312:23, 312:24, 313:12, 313:14, 313:24, 315:7, 316:21, 318:18, 321:16, 326:21, 328:6, 330:8, 330:12, 344:25, 345:9, 355:25, 356:21, 360:19, 365:20, 367:11, 367:13, 369:11, 370:9, 373:8, 374:5, 374:11, 375:2, 375:5, 375:22, 376:12, 384:21, 386:6, 394:14, 399:16, 399:20, 399:21, 401:9, 403:10, 404:17, 405:15, 406:14, 406:15, 407:1, 407:15, 407:16, 408:17, 408:24, 410:18, 412:13, 415:9, 416:6, 416:24, 416:25, 421:24, 422:5, 422:6, 422:11, 425:8, 431:6, 431:24, 432:13, 433:12, 434:18, 435:1, 435:7, 439:11, 440:4, 442:7, 443:18, 445:16, 445:20, 445:21, 452:15, 453:1, 454:2, 463:20, 470:10, 477:14, 480:7
Iggie - 335:5, 335:7, 337:6
Iggy - 345:13, 346:4
Ignazio - 345:13
Ill - 290:9, 384:12
Illegal - 288:4, 288:8, 288:14, 291:18, 292:1, 292:7, 292:12, 292:15, 293:23, 294:21, 295:17, 303:16, 303:19, 306:18, 309:8, 309:11, 311:4, 313:19, 317:6, 317:19, 317:22, 318:7, 319:3, 319:11, 320:5, 320:6, 320:12, 369:3, 369:5, 369:9, 374:13
Illegitimate - 288:2, 407:21
Illness - 289:5
Immediate - 374:2
Immunity - 454:17
Impaneled - 257:17
Implied - 408:16
Impolite - 257:25
Importance - 470:6, 490:2
Important - 258:3, 268:13, 277:5, 277:14, 277:18, 294:19, 294:20, 297:13, 306:11, 312:5, 321:19, 365:8, 407:11, 445:1, 459:22, 459:25, 460:21, 461:6, 461:9, 464:22, 465:3, 466:5, 466:8, 470:7, 470:12, 482:15, 486:14, 486:17, 486:21

Imposed - 310:4
Impression - 256:13
In - 253:2, 261:4, 261:12, 263:11, 271:13, 271:24, 273:2, 275:1, 275:17, 277:16, 279:21, 282:23, 283:16, 284:3, 284:8, 290:18, 292:9, 296:3, 302:4, 307:23, 317:19, 321:12, 326:14, 334:6, 334:8, 355:5, 357:18, 359:6, 359:20, 360:2, 360:13, 360:18, 361:12, 361:21, 361:22, 367:11, 367:24, 368:11, 370:2, 370:18, 371:3, 376:2, 381:11, 383:2, 391:14, 401:21, 405:7, 406:22, 407:13, 410:9, 412:13, 414:8, 424:12, 439:20, 442:7, 456:16, 471:4, 474:20, 488:10, 489:12
In - 253:4, 253:5, 254:15, 254:18, 254:22, 255:5, 255:9, 256:16, 257:9, 257:11, 257:12, 257:23, 258:13, 258:16, 258:17, 259:11, 259:17, 259:18, 259:25, 260:10, 260:15, 260:16, 261:25, 262:7, 262:20, 263:6, 263:9, 264:5, 264:7, 264:15, 264:22, 264:24, 265:3, 265:6, 265:11, 265:13, 265:17, 265:20, 266:1, 266:16, 266:17, 266:22, 267:1, 267:6, 267:8, 267:9, 267:14, 267:22, 268:1, 268:13, 268:18, 268:20, 269:2, 269:6, 269:10, 270:6, 270:9, 270:10, 270:15, 270:20, 270:22, 271:12, 272:8, 273:3, 273:7, 273:12, 273:20, 274:2, 274:4, 275:4, 275:5, 275:8, 275:9, 275:13, 275:18, 276:6, 276:25, 277:19, 278:13, 278:18, 279:2, 279:4, 279:9, 279:15, 279:20, 279:23, 280:13, 280:24, 281:7, 282:23, 282:25, 283:4, 283:9, 283:13, 283:18, 283:25, 284:10, 284:15, 284:17, 284:18, 286:16, 286:20, 287:3, 287:10, 287:20, 288:2, 288:8, 288:17, 288:23, 289:6, 289:16, 289:21, 290:4, 290:6, 290:7, 290:11, 290:22, 291:4, 291:5, 291:7, 291:8, 291:13, 292:5, 292:7, 292:11, 292:15, 293:3, 293:6, 293:9, 293:12, 293:23, 294:2, 294:14, 295:9, 295:16, 296:8, 296:15, 297:14, 297:22, 298:24, 299:12, 300:7, 300:8, 300:9, 300:13, 300:25, 302:9, 302:18, 303:12, 303:21, 303:25, 304:4, 306:7, 306:9, 306:18, 307:17, 307:25, 308:7, 308:9, 308:10, 308:11, 309:6, 309:7, 309:20, 309:23, 310:23, 311:15, 312:5, 312:10, 313:11, 313:16, 313:18, 313:25, 314:1, 314:8, 314:18, 315:12, 316:5, 316:18, 316:23, 317:8, 317:23, 318:6, 318:9, 318:18, 319:11, 320:8, 321:2, 324:5, 324:6, 325:12, 326:3, 326:10, 326:12, 327:2, 327:5, 329:9, 329:12, 330:2, 330:12, 330:16, 332:19, 332:21, 332:24, 333:24, 334:3, 334:4, 334:17, 334:21, 335:17, 336:2, 336:6, 336:13, 337:1, 337:19, 338:10, 338:23, 339:5, 339:6, 339:11, 339:22, 340:2, 340:4, 340:20, 340:25, 341:17, 341:19, 341:24, 342:2, 342:11, 342:18, 343:5, 343:12, 344:16, 350:8, 353:2, 353:10, 353:19, 354:5, 354:10, 354:21, 355:12, 356:12, 356:14, 356:17, 356:23, 358:5, 359:13, 359:14, 359:22, 360:18, 361:12, 361:15, 361:19, 361:24, 362:15, 363:2, 363:8, 363:9, 363:12, 365:6, 366:3, 366:5, 366:18, 367:19, 368:9, 369:13, 370:12, 370:15, 371:25, 373:7, 373:10, 373:25, 374:6, 374:11, 374:25, 375:1, 375:17, 375:18, 375:20, 376:3, 376:8, 376:13, 376:18, 376:20, 376:21, 378:19, 379:24, 379:25, 380:5, 380:12, 380:18, 381:5, 381:9, 381:11, 382:1, 382:18, 382:20, 383:21, 383:23, 384:7, 384:12, 384:18, 384:19, 384:20, 384:21, 384:24, 385:1, 385:9, 385:17, 385:20, 386:11, 387:20, 387:25,

388:13, 389:15, 390:4, 391:7, 391:10, 392:10, 392:12, 393:3, 393:4, 393:9, 393:12, 394:11, 395:1, 395:24, 396:20, 397:6, 397:23, 397:24, 398:8, 398:10, 398:17, 400:4, 400:20, 401:3, 401:9, 401:10, 401:18, 401:20, 401:25, 402:1, 402:19, 403:1, 403:3, 403:8, 403:10, 404:6, 404:9, 404:18, 404:21, 407:23, 408:6, 408:8, 408:12, 408:24, 409:2, 409:16, 410:3, 410:22, 411:3, 411:6, 411:11, 411:20, 411:21, 412:13, 412:24, 412:25, 413:10, 413:11, 414:7, 414:10, 414:15, 415:3, 415:7, 415:8, 415:15, 415:23, 416:3, 416:21, 416:22, 416:24, 416:25, 417:2, 417:11, 417:21, 418:2, 418:6, 419:10, 419:15, 420:2, 420:5, 421:25, 422:3, 424:4, 424:5, 424:20, 425:2, 425:5, 425:20, 427:19, 428:4, 428:8, 428:13, 428:19, 428:24, 429:5, 429:8, 429:16, 429:20, 430:1, 430:3, 430:5, 430:7, 430:24, 431:2, 431:5, 431:12, 431:18, 431:19, 431:22, 432:4, 432:12, 432:14, 432:16, 432:21, 432:22, 432:24, 433:16, 433:17, 434:5, 434:6, 434:17, 435:1, 436:1, 436:5, 437:24, 438:3, 438:5, 438:23, 439:15, 439:19, 440:7, 441:8, 441:22, 442:11, 443:3, 443:6, 443:13, 443:19, 444:16, 444:21, 445:8, 445:10, 445:12, 445:13, 445:22, 446:4, 446:5, 446:8, 446:17, 447:3, 447:6, 447:11, 447:12, 447:19, 448:20, 448:25, 449:3, 449:10, 449:11, 449:13, 450:8, 450:11, 451:20, 452:2, 452:15, 452:21, 453:18, 454:2, 454:6, 454:12, 454:13, 454:15, 454:16, 454:18, 454:22, 455:5, 455:18, 456:24, 457:6, 457:14, 457:15, 457:17, 457:22, 458:3, 458:9, 458:16, 459:22, 460:22, 460:25, 461:9, 462:6, 462:11, 462:14, 462:22, 463:3, 464:12, 464:22, 465:10, 466:6, 466:14, 466:22, 468:1, 468:5, 468:10, 468:17, 468:20, 469:5, 469:19, 470:6, 470:23, 471:1, 471:21, 471:23, 472:14, 472:18, 473:18, 473:24, 473:25, 474:6, 475:18, 476:4, 476:10, 476:16, 477:15, 478:6, 478:9, 478:23, 480:7, 480:13, 480:15, 480:21, 480:23, 480:24, 481:14, 481:21, 482:8, 482:15, 482:16, 483:14, 484:8, 485:3, 485:7, 485:21, 486:7, 487:5, 487:15, 487:24, 487:25, 488:3, 488:9, 488:14, 488:21, 489:9, 489:22, 489:25, 490:1
inappropriate - 255:10
incapacitated - 289:5, 289:11, 313:22, 314:4, 384:11
incarcerated - 280:12, 290:9, 479:21
incarceration - 255:16, 289:6
incentive - 266:4
include - 282:25, 304:13, 308:15, 332:17, 443:24
included - 268:18, 268:19, 332:18
includes - 357:5
including - 283:18, 300:12, 306:20, 322:13
incomplete - 401:9
increase - 473:24
indeed - 362:4
index - 430:22
Index - 492:1
indicated - 269:12, 356:2, 365:24, 368:8, 377:11, 381:18
indication - 257:2
indicted - 266:1
indictment - 264:24, 265:22, 268:18, 269:7, 356:17
individual - 265:21, 332:18, 345:10, 345:12, 360:18, 362:7, 369:2, 383:19, 475:12
individuals - 266:1, 266:7, 267:12, 293:9, 293:12, 297:23, 298:20, 332:18,

339:6, 341:10, 344:6, 355:14, 355:20, 358:4, 365:1, 365:2, 365:12, 366:8, 366:18, 367:3, 367:24
indoctrinated - 355:5, 367:16
indoors - 412:14
induct - 422:19
inducted - 287:22, 287:25, 290:2, 290:20, 290:22, 295:21, 297:12, 297:19, 298:14, 298:20, 298:23, 299:4, 300:3, 300:7, 300:11, 301:25, 302:7, 303:15, 306:17, 311:5, 313:6, 405:18, 422:14, 433:3, 433:6, 482:3
inducted's - 300:20
induction - 297:25, 298:5, 299:20, 301:20, 303:6, 306:5, 313:10
industry - 449:5
infiltrating - 442:5
influence - 371:19
informant - 278:24, 278:25, 280:6, 280:20
informants - 278:23, 279:9, 279:15, 279:23, 280:3, 280:18
information - 270:24, 275:21, 279:1, 279:5, 279:22, 279:23, 280:10, 280:21, 281:15, 281:22, 299:13, 307:22, 321:17, 354:15, 354:19, 357:13, 358:14, 358:20, 359:4, 359:9, 461:6, 464:19, 465:11, 466:2, 466:5, 468:3, 468:5, 468:9, 470:2, 470:6, 470:8, 470:11, 474:13, 486:14, 487:14, 488:2
infraction - 293:25, 311:19, 312:11
Ingardia - 339:19, 339:21
initial - 357:2, 357:5, 360:12, 361:18
initially - 358:8, 359:7, 408:18, 409:7, 446:22, 481:3
initiated - 295:22
inner - 388:21, 388:23, 414:15, 443:19
inquire - 254:23, 255:25, 269:25, 387:16
inside - 262:15, 274:7, 275:7, 305:21, 307:10, 307:12, 320:5, 320:10, 320:19, 321:2, 401:9, 412:3
Inside - 275:7
insist - 489:8
instance - 399:14, 485:3
instead - 276:3, 447:1
instruct - 257:18, 362:23
instructed - 360:2, 430:9
instructs - 267:22
instrument - 274:5, 274:17
insulate - 458:19
intend - 264:20
intention - 255:17
intentions - 304:7
interact - 446:21
interacted - 451:3, 456:23
interacting - 395:19, 476:10
interaction - 292:19
interest - 271:21, 406:8, 471:23
interested - 374:15, 374:16
international - 440:15
intertwining - 292:23
interview - 279:19
interviewed - 360:9, 363:20
interviewing - 278:22
interviews - 281:22, 360:13
intimidating - 366:8
into - 253:22, 254:25, 260:7, 263:18, 265:12, 266:3, 267:11, 271:11, 271:16, 272:23, 280:9, 280:12, 280:24, 281:1, 281:9, 284:1, 287:25, 290:20, 298:5, 298:21, 299:4, 302:21, 306:2, 310:13, 313:6, 318:5, 321:25, 352:12, 355:5, 365:16, 367:16, 368:2, 371:21, 377:7, 379:13, 380:7, 380:13, 380:19, 381:2, 381:16, 393:1, 395:8, 399:7, 404:6, 405:18, 414:25, 417:1, 428:6, 429:24, 430:1, 431:16, 433:3, 434:7, 434:13, 438:10, 454:15, 482:3, 489:4

introduce - 260:11, 370:4, 441:19
introduced - 258:10, 300:11, 302:4, 377:6, 379:13, 379:20, 441:1, 441:3, 441:7, 441:16, 442:2, 442:9
introductions - 441:9, 441:14
invested - 297:23
investigate - 272:12
investigated - 272:20, 282:24
investigating - 271:6, 271:9, 273:2, 277:5, 371:3, 377:12
Investigation - 272:9
investigation - 273:3, 275:5, 278:18, 279:24, 356:19, 356:20, 365:1
investigations - 270:21, 271:16, 272:3, 272:23, 273:6, 273:25, 275:4, 279:2, 281:16, 282:6, 282:12, 282:25, 302:21, 382:21
investigative - 271:13, 344:15
Investigative - 272:9
Investigator - 270:6, 285:21, 286:5, 286:11, 290:24, 290:25, 291:3, 322:20, 324:16, 328:6, 333:6, 339:5, 340:2, 344:5, 344:25, 345:8, 386:6
investigator - 270:10, 270:19, 272:18, 326:21, 361:25, 367:6, 378:20
involve - 480:16
involved - 257:23, 273:25, 274:2, 275:4, 275:5, 278:21, 279:3, 279:9, 279:20, 282:25, 288:2, 288:8, 288:14, 292:7, 292:11, 293:9, 293:12, 293:23, 301:10, 303:17, 306:18, 307:9, 308:10, 313:18, 314:3, 319:10, 319:11, 324:9, 353:20, 353:21, 355:18, 368:9, 368:22, 368:24, 373:25, 374:25, 378:19, 384:13, 392:12, 423:5, 444:16, 449:11, 454:2, 454:22, 480:15, 487:25
involvement - 264:5
involves - 412:8
Is - 269:17, 270:14, 275:20, 284:25, 285:7, 291:10, 291:13, 293:12, 294:13, 295:9, 295:21, 296:7, 299:4, 299:7, 304:8, 305:8, 312:3, 312:16, 313:1, 318:14, 319:13, 319:22, 325:22, 331:16, 335:15, 336:5, 353:17, 358:25, 360:25, 361:24, 363:14, 366:2, 366:24, 371:13, 372:14, 373:6, 384:17, 390:13, 409:2, 420:20, 427:12, 431:20, 435:16, 439:9, 446:2, 450:12, 452:17, 459:22, 459:25, 462:25, 467:21, 468:5, 468:8, 472:2, 474:12, 483:10, 483:11, 490:15
is - 253:6, 254:17, 254:24, 255:8, 255:23, 256:3, 257:23, 258:8, 259:3, 259:5, 260:8, 260:14, 260:19, 260:22, 264:3, 264:9, 264:15, 264:16, 265:7, 265:10, 265:18, 265:21, 265:22, 265:23, 266:6, 266:9, 266:13, 266:20, 267:6, 267:18, 268:2, 268:3, 268:4, 268:6, 268:9, 268:10, 269:3, 269:13, 269:16, 270:9, 270:12, 270:21, 270:23, 271:1, 271:3, 271:4, 271:19, 272:1, 274:9, 276:10, 277:3, 277:8, 277:14, 277:18, 278:1, 278:7, 278:25, 280:9, 280:20, 280:23, 281:8, 281:9, 281:22, 283:11, 284:3, 285:5, 285:24, 286:15, 286:20, 286:21, 287:2, 287:11, 287:12, 287:22, 288:1, 288:3, 288:6, 288:7, 288:18, 289:5, 289:11, 289:14, 289:25, 290:1, 290:5, 290:6, 290:12, 290:18, 291:7, 291:13, 292:19, 294:16, 294:19, 294:22, 294:24, 295:3, 295:4, 296:14, 296:16, 297:5, 297:6, 297:7, 297:8, 297:11, 298:7, 298:8, 298:18, 298:23, 299:4, 299:9, 299:18, 300:11, 300:12, 300:15, 300:17, 300:19, 300:22, 300:24, 301:4, 301:16, 301:25, 302:5, 302:14, 302:17, 302:19, 303:23, 304:5, 304:11, 304:18, 305:11, 305:23, 306:2, 306:9, 306:10, 306:23, 307:6, 307:12, 307:13, 307:16, 307:19, 307:20, 308:8, 308:22, 309:18, 309:19, 310:9, 311:10,

312:10, 312:11, 312:14, 312:16, 313:6, 313:12, 313:24, 314:2, 314:8, 314:21, 314:25, 315:3, 315:23, 316:5, 316:9, 316:10, 316:21, 316:22, 317:4, 317:18, 318:5, 318:18, 319:9, 319:18, 319:19, 319:25, 320:1, 320:6, 320:7, 320:8, 320:23, 321:4, 321:19, 322:22, 323:18, 326:12, 326:24, 327:2, 327:5, 327:6, 327:7, 327:9, 327:11, 327:14, 327:15, 327:16, 327:17, 327:23, 327:25, 328:2, 328:3, 328:4, 328:5, 328:11, 328:12, 328:14, 328:15, 328:16, 328:17, 328:20, 328:21, 328:23, 328:24, 329:2, 329:3, 329:4, 329:7, 329:10, 329:14, 329:15, 329:17, 329:18, 330:17, 330:19, 330:20, 330:22, 330:23, 330:25, 331:1, 331:2, 331:4, 331:5, 331:7, 331:10, 331:11, 331:12, 331:14, 331:17, 331:19, 331:24, 331:25, 332:3, 332:5, 332:6, 332:10, 332:11, 332:13, 332:15, 332:24, 333:7, 334:6, 334:18, 335:1, 335:2, 335:4, 335:7, 335:9, 335:12, 335:13, 335:20, 335:21, 335:23, 335:24, 336:3, 336:8, 336:11, 336:14, 336:15, 336:16, 336:19, 336:21, 336:25, 337:1, 337:3, 337:4, 337:6, 337:8, 337:11, 337:24, 337:25, 338:1, 338:3, 338:4, 338:6, 338:7, 338:10, 338:20, 338:21, 338:22, 338:23, 338:25, 339:1, 339:2, 339:3, 339:4, 339:9, 339:16, 339:18, 339:19, 339:23, 339:24, 339:25, 340:15, 340:17, 340:18, 340:19, 340:20, 341:1, 341:2, 341:3, 341:7, 341:10, 341:13, 341:15, 341:17, 341:23, 341:24, 341:25, 342:3, 342:4, 342:6, 342:7, 342:8, 342:10, 342:15, 342:19, 342:20, 342:22, 342:23, 342:24, 342:25, 343:1, 343:6, 343:7, 343:8, 343:9, 343:11, 343:18, 343:19, 343:20, 345:7, 350:2, 353:20, 353:21, 355:13, 357:2, 357:13, 357:16, 357:19, 358:8, 358:10, 358:16, 358:19, 358:23, 359:4, 359:22, 359:25, 361:1, 361:13, 362:9, 362:19, 362:25, 363:1, 363:2, 365:7, 365:10, 365:17, 366:2, 366:11, 366:18, 366:22, 367:12, 368:7, 368:8, 368:11, 368:20, 369:7, 370:16, 371:14, 371:18, 372:11, 372:15, 373:6, 373:11, 374:15, 374:22, 375:3, 375:18, 375:20, 375:21, 376:10, 376:11, 379:10, 381:20, 381:21, 381:24, 382:18, 382:20, 382:21, 383:20, 384:3, 384:18, 384:25, 385:9, 386:24, 388:13, 388:25, 389:6, 391:23, 394:3, 397:8, 397:16, 397:19, 398:4, 399:6, 400:22, 401:3, 402:18, 403:5, 406:7, 406:12, 408:25, 409:4, 409:19, 409:21, 410:22, 410:23, 412:2, 415:19, 416:6, 417:25, 419:6, 420:2, 420:3, 420:8, 420:10, 420:22, 421:16, 421:18, 421:19, 421:25, 422:5, 422:13, 422:18, 423:20, 424:8, 424:16, 428:12, 428:17, 428:20, 429:3, 429:6, 429:14, 429:18, 430:17, 431:4, 431:11, 431:13, 431:18, 432:16, 434:21, 435:2, 435:9, 435:14, 435:17, 435:22, 436:8, 436:11, 436:14, 438:18, 438:19, 439:9, 439:14, 441:11, 441:20, 441:22, 441:24, 441:25, 442:1, 442:4, 442:8, 443:3, 443:8, 443:9, 443:21, 445:3, 445:9, 445:10, 445:16, 446:7, 447:1, 447:2, 447:5, 449:2, 451:25, 454:25, 455:3, 457:18, 458:1, 458:7, 458:13, 460:12, 461:17, 462:2, 462:17, 462:20, 465:3, 465:5, 466:2, 468:6, 468:10, 471:10, 471:18, 472:3, 472:4, 472:15, 472:24, 473:20, 474:7, 475:12, 477:7, 477:19, 478:6, 478:7, 478:24, 480:4, 482:15, 482:23, 483:8, 485:8, 485:15, 485:17, 486:14, 486:17, 487:7, 487:12, 487:16, 487:23, 487:24,

488:2, 488:3, 488:7, 488:12, 488:14, 488:19, 489:6, 489:22, 489:25, 490:22, 491:1
Island - 329:13, 342:16, 343:17, 414:21, 414:22
Isn't - 372:2
isn't - 360:25, 370:18, 373:11, 374:19, 381:24, 488:19
issue - 256:7, 268:3, 268:8
issues - 253:20, 376:9, 384:6
it - 255:5, 255:19, 255:25, 257:21, 257:24, 258:5, 258:6, 258:9, 258:15, 259:5, 260:5, 260:21, 260:22, 265:18, 267:6, 267:21, 268:2, 268:9, 269:23, 271:15, 271:17, 274:6, 274:24, 275:18, 277:9, 277:18, 278:1, 283:18, 284:8, 284:25, 285:22, 285:24, 286:2, 286:3, 286:8, 286:9, 287:21, 288:25, 290:14, 290:18, 293:2, 293:6, 294:10, 294:16, 294:24, 295:9, 296:13, 296:14, 297:10, 299:7, 299:9, 299:17, 300:6, 300:7, 304:7, 305:7, 305:14, 306:19, 307:11, 307:21, 308:4, 308:10, 308:24, 310:6, 310:9, 310:20, 312:8, 312:25, 314:11, 314:19, 316:24, 317:25, 318:3, 318:19, 318:20, 318:21, 319:6, 319:7, 319:8, 319:16, 320:1, 320:6, 320:10, 321:2, 321:19, 323:1, 323:2, 325:22, 326:24, 329:20, 329:21, 329:25, 330:8, 353:17, 354:2, 355:13, 356:3, 356:6, 357:1, 358:25, 359:14, 360:25, 361:2, 361:22, 361:24, 363:16, 365:17, 366:2, 366:13, 366:16, 366:23, 367:12, 368:1, 369:7, 370:16, 370:18, 371:13, 371:16, 371:18, 372:2, 372:15, 373:5, 373:6, 373:12, 373:18, 374:19, 375:6, 376:16, 379:10, 379:19, 379:25, 380:16, 381:24, 382:3, 382:5, 383:18, 385:10, 385:11, 385:13, 385:14, 387:13, 388:19, 388:23, 389:22, 390:13, 391:6, 391:12, 391:16, 393:10, 393:11, 394:14, 395:16, 395:17, 395:18, 398:1, 400:8, 400:10, 400:14, 400:17, 400:18, 400:23, 400:24, 401:10, 403:10, 403:23, 404:7, 404:17, 404:19, 405:18, 405:24, 407:1, 407:2, 407:3, 407:11, 407:13, 407:16, 407:18, 407:23, 409:2, 409:8, 409:9, 410:13, 410:18, 411:5, 411:25, 412:4, 412:7, 412:15, 413:1, 414:5, 414:22, 415:8, 415:9, 416:24, 417:4, 419:4, 420:20, 422:10, 423:20, 423:23, 424:3, 424:11, 424:12, 424:16, 426:11, 428:8, 430:24, 430:25, 434:7, 434:12, 434:19, 435:2, 435:6, 435:8, 435:9, 435:17, 435:22, 436:4, 438:12, 439:9, 439:13, 439:14, 439:22, 439:23, 440:1, 440:12, 441:14, 442:10, 444:8, 444:18, 444:22, 446:16, 448:15, 449:7, 449:12, 449:14, 450:4, 450:23, 453:3, 453:8, 453:9, 453:18, 454:14, 458:15, 459:20, 459:22, 459:25, 460:21, 461:6, 461:9, 463:12, 463:13, 463:15, 466:10, 466:18, 466:20, 466:25, 467:25, 470:7, 470:24, 471:1, 471:10, 471:14, 471:17, 472:1, 472:4, 472:13, 472:23, 473:1, 473:23, 473:24, 474:6, 474:12, 474:15, 474:25, 475:2, 475:18, 479:4, 480:19, 481:2, 481:19, 481:23, 482:7, 482:15, 482:21, 483:11, 483:16, 484:5, 484:16, 484:21, 484:23, 486:16, 486:21, 486:23, 486:25, 487:5, 487:11, 487:16, 487:20, 487:24, 488:6, 488:8, 488:14, 488:17, 488:20, 489:4, 489:11, 489:18, 489:22, 490:11
It - 256:8, 260:22, 267:25, 268:14, 271:25, 292:23, 312:4, 316:14, 318:1, 319:6, 320:12, 327:14, 335:16, 355:19, 355:23, 358:18, 359:2, 359:8, 366:15, 369:8, 369:13, 370:12, 370:14, 376:13, 377:19, 377:24, 378:19, 378:21,

378:24, 383:20, 383:25, 384:1, 395:16, 396:2, 397:16, 406:24, 409:17, 413:2, 413:6, 414:6, 430:1, 436:23, 438:25, 439:4, 439:10, 446:24, 452:19, 464:24, 464:25, 465:10, 473:14, 474:7, 487:16, 488:10, 489:6
it's - 253:25, 254:25, 255:10, 255:17, 256:2, 256:5, 257:25, 258:8, 274:17, 275:14, 277:3, 277:14, 277:18, 279:5, 279:6, 279:7, 281:3, 288:12, 294:5, 297:22, 298:9, 301:5, 302:16, 302:17, 305:12, 305:16, 305:18, 305:20, 306:1, 306:10, 307:20, 308:20, 308:25, 310:10, 312:4, 312:20, 312:22, 313:23, 359:12, 360:18, 361:7, 362:24, 366:18, 369:7, 371:8, 373:11, 382:9, 400:23, 404:13, 409:4, 435:1, 443:4, 443:9, 444:8, 466:23, 468:2, 471:21, 474:7, 488:11, 490:7
It's - 256:8, 271:4, 271:20, 274:8, 275:15, 275:22, 275:25, 277:4, 277:12, 277:25, 285:19, 285:25, 289:18, 290:2, 290:22, 292:23, 294:5, 299:10, 300:16, 302:16, 305:20, 306:25, 314:23, 315:24, 317:5, 320:3, 320:11, 353:7, 358:16, 358:23, 366:13, 368:13, 369:6, 369:17, 370:10, 370:11, 374:8, 376:16, 383:24, 385:9, 397:20, 398:1, 407:3, 430:17, 437:7, 437:8, 441:12, 466:8, 466:9, 478:21
Italian - 283:25, 296:2, 296:4, 350:23, 432:21, 452:4
Italy - 284:10
its - 285:7, 291:18, 291:19, 379:2
itself - 322:13

J

J - 252:12, 252:17, 269:20, 492:3
Jack - 252:9, 417:7, 417:9, 418:1, 423:12, 423:16, 423:17, 424:5
Jack's - 417:5
jacket - 337:1, 338:23
Jackie - 345:11, 345:21, 407:8, 417:22, 423:15, 425:17, 427:2, 427:15, 428:5, 431:4, 448:22, 449:15, 449:16, 457:16, 458:2, 458:23, 459:1, 477:6
jail - 254:18, 263:6, 265:11, 266:17, 267:6, 356:14, 479:19
James - 327:22, 327:25, 328:4, 329:12, 335:12, 341:25
January - 252:6, 327:13, 330:15, 331:21
Janus - 254:3, 260:14
Jerome - 341:4, 351:10
Jerry - 351:10, 417:22
Jersey - 291:8, 402:1
Jewish - 403:6
Jimmy - 396:1, 396:6, 396:24, 447:12
job - 267:17, 272:4, 272:24, 401:24, 402:3, 402:5, 402:9, 402:12, 402:16, 402:20, 402:22, 409:7, 413:4, 413:9, 413:12, 413:15, 414:1, 414:7
jobs - 413:10, 435:17
Joe - 345:17, 349:8, 397:1, 414:23, 415:14, 415:17, 416:3, 416:7, 416:8, 417:22, 427:18, 428:1, 429:4, 429:11
Joey - 438:2
John - 254:3, 259:19, 259:22, 260:14, 269:19, 269:24, 285:5, 285:6, 328:21, 328:23, 328:25, 329:14, 330:23, 330:25, 331:8, 331:19, 332:4, 332:5, 332:10, 333:1, 335:5, 335:25, 336:3, 336:9, 336:14, 336:15, 336:20, 336:22, 336:25, 337:3, 337:5, 337:12, 337:13, 337:16, 337:19, 337:20, 337:22, 337:24, 338:7, 338:16, 338:22, 340:19, 340:20, 341:2, 341:15, 341:25, 342:4, 342:5, 342:6, 342:19, 342:21, 343:1, 345:11, 345:21, 346:6, 346:8, 347:1,

347:19, 347:21, 351:2, 351:8, 351:16, 352:1, 370:25, 407:9, 418:12, 418:18, 419:7, 419:8, 419:13, 419:22, 419:24, 420:4, 420:14, 427:10, 428:8, 428:15, 429:15, 429:24, 431:24, 432:10, 433:2, 440:24, 441:1, 441:5, 441:20, 441:24, 441:25, 447:7, 448:5, 448:14, 450:1, 450:11, 450:12, 450:14, 450:18, 451:7, 451:10, 451:11, 451:15, 451:16, 451:18, 452:1, 452:5, 452:6, 452:7, 452:8, 452:15, 453:20, 453:21, 453:24, 454:3, 454:21, 454:24, 455:12, 455:14, 455:22, 455:25, 456:1, 456:4, 456:10, 456:12, 456:14, 456:15, 456:16, 456:20, 457:1, 457:9, 458:15, 458:19, 458:23, 459:1, 459:4, 459:5, 459:8, 459:16, 460:4, 460:12, 460:17, 460:25, 461:3, 461:21, 461:24, 461:25, 462:9, 462:12, 475:20, 476:8, 476:22, 478:16, 479:8, 479:9, 479:12, 479:13, 479:20, 480:12, 481:9
John's- 285:4, 454:15, 458:19, 476:21
Johnny- 347:1, 348:9, 363:20, 451:21, 451:22, 455:4, 455:13, 455:21
join - 315:2, 384:18, 436:14
joined - 432:23
Jojo- 345:19
Jordan- 252:19
Jose- 260:1, 263:19
Joseph- 327:15, 327:16, 327:23, 327:25, 328:3, 328:15, 329:3, 329:15, 330:25, 331:1, 331:12, 332:6, 332:10, 332:15, 335:3, 335:5, 335:8, 335:10, 336:17, 336:20, 337:6, 338:4, 339:3, 339:23, 339:24, 339:25, 340:16, 341:7, 341:13, 341:14, 341:15, 345:17, 345:19, 346:6, 346:8, 347:7, 349:4, 351:22, 352:7, 364:11
jovial - 477:10
Jr- 450:11, 450:18, 451:7, 451:11, 451:17, 452:6, 453:21, 454:3, 454:24, 455:14, 456:4, 456:15, 456:16, 457:1, 457:9, 458:15, 458:19, 458:23, 459:8, 459:16, 460:4, 460:12, 460:17, 461:1, 461:3, 461:22
Jr.'s- 452:7
Judge- 252:10, 253:14, 253:20, 253:23, 255:17, 267:22, 285:15, 285:17, 322:18, 363:15, 376:3, 376:9, 394:14, 424:25, 468:18, 471:12, 471:19, 473:12, 474:2, 475:3, 484:9, 484:22, 486:4, 486:23, 487:9, 487:22, 488:10, 489:3, 489:20, 490:10, 490:13, 490:17
judge - 273:18
judged - 265:21, 265:23
Juliano- 341:15
July- 338:25, 340:24, 341:23, 342:15, 391:6
juncture - 490:23
June- 330:22, 336:23, 337:11, 337:21
Junior- 327:16, 327:23, 328:1, 328:3, 328:15, 329:3, 331:2, 331:8, 331:18, 331:25, 332:12, 336:4, 336:9, 336:14, 336:15, 336:20, 336:22, 336:25, 337:3, 337:22, 338:4, 338:8, 338:16, 340:19, 347:3, 347:7, 347:21, 348:13, 349:22, 352:7, 428:8, 428:15, 429:15, 429:24, 432:24, 433:1, 433:2, 454:12, 455:21, 462:1, 478:5, 480:12, 480:23, 481:3, 481:4, 481:9
Junior's- 480:24
junk - 477:15
jurisdiction - 383:3
Juror- 253:4, 256:10, 256:14
juror - 255:3, 267:18, 269:2
jurors - 264:15, 267:9, 267:12, 269:4, 269:9, 329:20
Jury- 257:4, 257:7, 322:3, 322:6,

375:15, 376:24, 425:10, 485:10
jury - 252:10, 253:2, 253:5, 253:14, 256:16, 257:15, 257:16, 271:8, 274:2, 286:7, 309:4, 320:22, 333:25, 358:10, 362:24, 367:12, 367:14, 373:2, 375:17, 375:19, 375:21, 376:2, 376:3, 376:8, 376:18, 389:6, 425:2, 425:5, 425:7, 454:7, 454:8, 454:12, 454:16, 454:17, 454:23, 480:7, 480:12, 480:13, 480:14, 480:15, 488:13
Just- 272:25, 359:16, 439:25, 440:19, 448:17, 448:20, 463:15, 464:15, 469:18, 478:5
just - 253:5, 253:8, 253:17, 253:23, 256:7, 257:24, 258:13, 258:19, 259:3, 259:7, 259:13, 260:11, 262:3, 264:3, 264:19, 277:1, 279:7, 281:20, 285:15, 286:12, 295:16, 306:9, 310:1, 311:4, 317:5, 324:17, 326:21, 332:16, 333:3, 333:6, 334:20, 366:14, 368:14, 369:17, 374:8, 376:4, 380:5, 381:16, 382:18, 383:18, 384:14, 385:21, 387:2, 395:20, 401:3, 403:8, 405:9, 409:24, 410:2, 415:21, 428:13, 439:1, 440:17, 444:13, 444:20, 446:11, 453:12, 458:16, 464:24, 465:10, 466:9, 466:10, 471:23, 473:1, 476:8, 489:20, 490:1, 490:18, 491:3
justice - 454:7, 454:8

K

Kaplan- 254:6
keep - 256:6, 260:22, 309:11, 311:6, 362:20, 372:25, 412:14, 416:9, 428:11, 434:10, 445:14, 451:5, 466:6
keeps - 265:22, 266:20
Kelley- 252:17, 264:16
kept - 479:6
Kevin- 327:23, 328:12, 347:9, 363:22, 364:3, 477:17
key - 254:16, 256:3
kick - 293:15, 368:17, 369:13, 369:23, 404:19, 407:13, 407:24, 435:6
kick-up - 369:13, 369:23
Kicking- 292:4
kicking - 292:6, 292:8, 293:18
kid - 395:21, 395:23, 397:9, 397:21, 398:1, 398:17, 399:11, 400:6, 453:24, 477:25, 478:5, 479:5
kidnapping - 262:1
kidnappings - 265:2
kill - 259:7, 259:21, 261:17, 300:5, 301:13, 312:23, 315:5, 318:14, 368:3, 372:12, 372:20, 373:4, 373:22, 374:6, 416:21, 420:24, 424:9, 424:10, 431:6, 433:15, 433:20, 434:19, 436:18, 437:1
killed - 259:9, 259:25, 263:14, 293:24, 309:19, 310:14, 311:19, 312:2, 315:1, 315:8, 315:14, 315:17, 372:7, 373:16, 374:11, 374:17, 389:7, 391:25, 392:1, 395:7, 416:17, 418:14, 418:15, 418:19, 419:14, 423:6, 425:16, 433:8, 434:2, 434:14, 435:20, 436:19, 437:2, 440:12, 440:17, 444:6, 445:22, 463:6, 466:23, 472:24, 485:4, 489:2
killer - 416:8, 461:17
killers - 386:13, 424:4, 461:9, 475:19
killing - 259:1, 261:17, 317:9, 420:21, 485:16
killings - 264:22
kind - 281:8, 305:15, 399:14, 486:2, 487:5, 488:21
kindly - 370:25
kinds - 262:14, 263:12, 278:20, 305:8, 317:11, 406:4, 454:5
Kingsborough - 401:20
kissed - 432:19
knew - 333:24, 382:17, 403:8, 408:16, 408:17, 426:9, 450:3, 470:5, 478:24

knife - 259:14, 300:2, 300:4, 301:11, 301:22
knit - 399:11
knock - 399:21, 429:23, 429:25, 430:2
know - 253:7, 254:24, 255:2, 257:9, 257:10, 257:22, 262:19, 266:16, 267:24, 268:12, 291:11, 293:4, 297:22, 299:24, 299:25, 301:2, 306:17, 306:18, 306:20, 306:21, 307:15, 307:22, 307:24, 308:6, 308:12, 315:24, 315:25, 359:10, 362:7, 362:13, 363:10, 365:20, 367:17, 371:2, 374:24, 375:2, 378:22, 378:24, 379:4, 382:2, 382:16, 382:20, 382:21, 382:22, 385:21, 394:21, 394:24, 404:13, 409:23, 410:3, 412:18, 413:17, 413:19, 414:25, 415:7, 417:5, 417:18, 418:15, 419:13, 424:6, 430:13, 430:14, 431:24, 437:6, 441:5, 441:14, 441:16, 441:17, 442:8, 443:9, 443:12, 443:20, 444:12, 447:13, 447:20, 451:11, 453:1, 454:2, 456:9, 458:22, 461:6, 461:9, 461:22, 462:4, 463:2, 463:4, 463:6, 463:8, 463:20, 466:6, 466:9, 468:6, 470:7, 471:22, 477:1, 477:14, 477:17, 478:19, 478:21, 479:5, 479:20, 479:23, 480:1, 480:2, 480:7, 484:6, 486:15, 486:17, 487:1, 487:2, 487:3, 487:21, 488:8, 490:14, 491:3
knowing - 465:2
knowledge - 311:7, 354:6, 354:7, 364:25, 419:1, 483:11, 484:18, 484:24
known - 254:21, 262:21, 266:10, 273:22, 276:22, 285:1, 285:7, 287:5, 294:18, 336:10, 345:11, 345:13, 345:15, 345:17, 345:18, 345:19, 345:21, 345:23, 346:16, 346:20, 346:22, 346:24, 347:1, 347:5, 347:11, 347:13, 348:7, 348:9, 348:11, 348:17, 348:25, 349:2, 349:12, 349:18, 350:15, 350:17, 350:23, 350:25, 351:10, 351:14, 352:1, 352:3, 359:3, 359:9, 374:23, 375:7, 405:5, 428:15
knows - 255:8, 280:22, 358:14, 441:15, 441:17

L

L- 269:20, 269:24, 350:15, 387:10, 387:15, 492:3, 492:6
la - 342:1
labeled - 333:7, 344:6
labels - 333:25
laborer - 402:4
lack - 463:14
ladder - 407:15, 424:21, 435:7
ladies - 257:6, 260:8, 264:3, 322:1, 322:10, 362:24, 471:22, 484:6
Ladies- 259:2, 259:8, 263:3, 269:12, 375:17
Laforte- 335:5
laid - 448:7, 487:13
land - 265:21
language - 276:4, 288:21
Lanni- 332:15
large - 309:6, 321:17
larger - 345:7, 397:14
Las- 401:25
Lasorsa- 428:9, 428:16
Last- 324:5
last - 258:6, 283:12, 297:12, 299:1, 316:1, 324:3, 327:17, 328:4, 329:8, 331:4, 332:3, 333:4, 334:19, 338:7, 340:13, 367:22, 377:13, 377:20, 380:18, 401:2, 417:5, 424:5, 477:7
late - 401:21, 403:22, 460:10, 463:3, 464:12, 470:23, 472:24
Late- 405:4, 450:15
lately - 301:5
Later- 398:6, 423:22, 457:15

later - 254:20, 255:22, 259:24, 261:9, 265:8, 274:19, 293:6, 323:7, 408:8, 409:8, 481:5, 486:5
launder - 319:7
laundered - 319:4
laundering - 283:2, 303:18
law - 263:15, 265:20, 270:6, 270:9, 279:1, 279:8, 280:5, 280:10, 280:22, 282:23, 284:11, 284:19, 294:22, 295:1, 301:23, 303:11, 303:14, 305:15, 305:18, 312:14, 312:16, 312:21, 313:4, 313:17, 317:7, 318:7, 323:10, 323:12, 355:6, 355:8, 355:9, 355:14, 358:12, 366:19, 373:22, 374:2, 374:6, 374:9, 374:11, 374:12, 374:15, 374:17, 374:23, 375:2, 375:4, 378:25, 389:24, 403:10, 414:5, 422:6, 437:16, 438:9, 449:17, 454:15, 457:17, 471:24, 488:3
Law - 269:23, 387:13
lawyer - 358:5, 358:11
lawyers - 258:8
lax - 305:7, 438:25
lay - 372:12
lead - 304:21, 378:20
leaders - 284:17, 284:18
leadership - 423:7, 425:18
leading - 465:6
Leading - 405:23
leaning - 339:1
learn - 258:24, 259:3, 260:17, 266:13, 268:23, 302:12, 392:1, 419:19, 426:3, 441:13, 463:11, 463:13, 463:18, 475:21, 475:24, 476:3
learned - 282:8, 282:14, 302:22, 362:3, 426:6, 443:5, 443:7, 444:4, 444:5, 482:2
learning - 302:11
least - 296:3, 378:1, 417:20, 489:21
leave - 256:12, 313:12, 314:8, 382:24, 383:3, 384:14, 385:22, 391:12, 477:12
Leave - 329:6
leaves - 322:3, 375:15, 485:13
leaving - 375:18
lectures - 362:16
led - 369:11
Lee - 348:17
left - 258:14, 327:7, 327:16, 328:2, 339:3, 339:21, 339:23, 341:13, 342:23, 343:5, 343:8, 343:18, 359:9, 375:20, 382:6, 415:3, 428:7, 440:23, 448:20
legal - 267:15, 288:4, 303:17, 306:14, 309:9, 309:11, 319:4, 319:11, 320:12, 434:22
legally - 357:25
legitimate - 288:2, 306:21, 318:24, 401:24, 407:21, 408:6, 408:7, 435:1, 435:9
lending - 406:8, 406:10
lengthy - 358:16
lent - 409:6, 409:12
Leo - 404:2
Leonard - 342:16, 348:4
less - 263:6, 275:25, 312:12, 320:4, 422:19, 448:6
Let - 264:14, 327:19
let - 265:17, 266:8, 403:10
Let's - 304:16, 399:16, 422:17, 442:1
let's - 409:22, 415:2
level - 266:24, 287:10, 292:19, 409:17, 434:11, 440:3
levied - 265:25
liars - 266:4, 266:25
license - 323:15, 413:20
lie - 281:8, 366:19, 366:20, 367:13, 367:18, 368:2, 368:5, 368:14
lied - 362:5
life - 262:18, 262:20, 263:18, 287:20, 293:6, 300:4, 300:14, 300:17, 300:18, 301:11, 306:2, 306:22, 355:1, 365:23, 365:25, 366:2, 366:17, 366:18, 374:25,

383:9, 384:7, 384:20, 385:21, 386:11, 387:20, 395:21, 403:1, 444:5, 446:17
life-long - 262:18
light - 300:6
lighting - 278:1, 323:1
like - 253:17, 254:23, 256:9, 263:13, 274:22, 284:7, 288:13, 315:19, 334:19, 362:20, 375:22, 375:25, 393:14, 399:9, 399:13, 400:14, 400:18, 400:25, 401:4, 403:4, 404:14, 404:24, 406:6, 408:8, 417:1, 423:20, 425:8, 426:25, 430:5, 430:24, 431:3, 434:3, 434:8, 437:12, 437:19, 438:10, 445:11, 449:6, 451:4, 452:20, 456:22, 466:9, 468:3, 477:9, 478:2, 486:23, 489:11, 489:13, 491:3
Like - 306:1, 395:20, 401:10, 405:9, 405:13, 407:15, 411:22, 413:1, 434:16, 443:18, 443:20, 448:8, 466:8, 467:25, 472:23, 473:23, 479:11
liked - 400:18, 448:8, 448:14, 453:20
likely - 363:15
Lillo - 410:16, 410:17, 410:19, 417:19, 423:9
Lillo's - 417:21, 425:23
limit - 274:12
limitation - 275:21
limitations - 255:7, 255:9, 255:18, 268:5, 268:6, 268:17
limits - 422:15
Lindenwood - 343:5
line - 265:10, 274:18, 275:1, 297:12, 484:3
lineage - 395:5
lingo - 261:4
Lino - 348:21, 419:22, 420:9
Lino's - 340:25
lions - 443:6
lips - 371:20
list - 253:15, 255:3, 256:18, 256:19, 298:8, 329:25, 421:25, 422:2, 422:9, 490:20, 490:21
listen - 257:20, 274:5, 274:8, 274:9, 274:10, 274:11, 274:12, 354:12, 439:12, 470:10
listened - 366:16
listening - 355:13, 401:3
lists - 422:11
lit - 430:25
literally - 301:16, 393:13
Little - 345:18, 346:20
little - 266:16, 266:17, 291:12, 304:16, 305:25, 306:8, 306:15, 327:19, 328:7, 360:2, 376:20, 381:3, 382:11, 395:21, 395:23, 402:1, 406:5, 428:11, 448:14, 461:25, 469:15, 469:16
live - 300:3, 300:13, 385:21, 391:3, 391:19
lived - 262:20, 395:16, 396:16
lives - 265:13, 267:1
living - 414:6
LI - 420:3
Loan - 406:8, 408:4
loan - 271:19, 271:20, 408:10, 408:13, 409:8
loan-shark - 271:19
Loan-sharking - 406:8, 408:4
loan-sharking - 408:10, 408:13
loansharking - 271:18, 283:1, 292:12
Local - 401:24, 402:3, 408:8, 408:9, 413:6, 413:8
local - 408:9, 413:6
Locascio - 348:25, 349:2, 430:7
located - 382:6
location - 274:3, 274:7, 275:13, 276:11, 276:13, 299:19, 320:11, 321:4, 334:20, 334:24, 339:11
locations - 273:12, 273:15, 273:20, 275:6, 305:21, 321:3, 324:24, 333:15, 334:22, 342:18
Lock - 348:25

Lombardi - 349:4
Lombardozzi - 340:25
long - 262:17, 262:18, 270:6, 271:6, 271:23, 272:4, 272:24, 373:17, 377:20, 430:16, 468:19, 469:3, 478:19, 478:21, 478:22
Long - 342:15, 342:16
long-time - 262:17
longer - 321:23, 321:24
look - 266:23, 269:5, 276:12, 294:1, 298:17, 329:20, 370:25, 380:17, 415:8
looked - 399:9, 415:2
Looking - 388:4
looking - 296:16, 301:8, 317:21
looks - 415:1
loose - 371:20
Lorenzo - 332:15
lose - 289:14, 289:16, 289:17, 406:15, 413:3
losing - 304:21
lost - 413:1
lot - 262:6, 278:3, 309:10, 310:12, 311:4, 354:15, 356:8, 377:7, 396:12, 396:13, 399:8, 412:14, 444:21, 450:10, 451:3, 456:20, 456:23, 468:1, 477:2, 489:25
Lou - 417:23
Louie - 332:14, 414:14, 414:20, 466:17, 466:22, 468:14, 469:12, 470:16, 470:21, 485:16
Louis - 259:16, 330:18, 332:14, 338:1, 338:14, 341:3, 342:7, 342:19, 342:21, 342:22, 343:6, 343:8, 343:9, 343:17, 346:22, 350:6, 389:14, 462:13, 462:18, 462:21, 462:22, 462:25, 463:8, 464:1, 464:9, 486:6, 486:7, 489:2
loved - 398:1, 452:8
Lower - 270:13
lowest - 290:2
loyal - 388:25, 431:11, 435:25, 453:24, 458:21, 461:17, 484:13
loyalty - 261:13, 294:6, 294:8, 294:19, 294:22, 296:16, 304:8, 304:11, 311:10, 354:23, 431:12, 431:13, 483:7
Luchese - 284:23, 397:12
lucrative - 319:6
lull - 368:2
lunch - 257:13, 375:11, 448:7
Luncheon - 375:25
luncheon - 377:6
lying - 361:20, 365:24, 366:2

M

M - 252:14, 252:21, 387:10, 492:6
machine - 274:23
Macmahon - 327:23, 328:12
mad - 399:16, 455:25
made - 256:2, 258:15, 261:4, 261:7, 261:10, 261:14, 287:21, 287:22, 290:19, 292:17, 293:3, 296:15, 297:9, 297:15, 297:25, 298:8, 302:1, 302:20, 303:15, 304:17, 305:6, 305:16, 307:6, 307:8, 307:16, 325:14, 334:1, 354:8, 354:24, 358:19, 363:1, 367:16, 372:11, 373:16, 374:11, 383:14, 385:3, 388:2, 388:4, 390:7, 393:8, 395:4, 405:1, 406:16, 413:1, 416:6, 422:15, 422:25, 423:13, 423:19, 424:6, 424:13, 424:19, 425:19, 426:1, 426:4, 426:7, 426:17, 426:20, 426:23, 426:25, 438:19, 438:20, 438:21, 441:15, 443:2, 446:14, 447:16, 450:11, 451:1, 451:16, 454:16, 455:17, 456:17, 456:24, 457:9, 462:10, 465:4, 473:16
Made - 381:12, 424:20
Mafia - 258:25, 259:5, 262:15, 262:20, 271:1, 271:4, 271:6, 272:20, 273:2, 273:7, 273:13, 273:20, 274:3, 276:7, 283:17, 283:20, 283:23, 284:7,

284:9, 284:12, 323:16, 388:2, 392:17,
393:3, 393:9, 397:20, 397:24, 445:8
main - 255:23, 444:3
maintain - 270:24, 449:7
major - 373:9, 374:6, 440:13, 471:16
make - 257:2, 260:20, 261:1, 263:3,
266:5, 274:18, 288:25, 291:18, 291:20,
295:7, 298:13, 301:24, 303:13, 319:7,
375:25, 405:18, 406:13, 408:2, 408:6,
408:10, 408:19, 410:25, 411:7, 412:19,
412:25, 434:8, 471:24
makes - 287:11, 295:4, 305:14,
308:10, 446:24
making - 276:16, 276:24, 292:23,
295:17, 369:13, 401:12, 413:24, 414:8,
425:20
male - 296:2
Malone - 364:5
man - 258:15, 259:25, 287:21,
287:22, 304:20, 342:10, 395:4, 405:1,
406:13, 416:6, 423:10, 423:19, 424:13,
425:19, 426:25, 490:5
Mancuso - 252:21
mandate - 305:4, 321:8
mandates - 274:11, 274:22
Manero - 330:25, 331:12, 335:3
Manhattan - 270:13, 413:10, 419:18,
447:10
manipulate - 309:15, 372:18
manipulated - 309:13
manner - 314:8
Mannino - 332:15
many - 259:3, 259:6, 261:14, 261:20,
262:1, 262:13, 262:24, 263:12, 263:18,
263:24, 268:15, 273:5, 273:10, 273:15,
273:24, 276:20, 278:12, 279:20,
281:13, 283:2, 283:7, 283:9, 288:19,
290:7, 290:10, 290:21, 321:10, 324:6,
324:9, 324:12, 324:14, 353:1, 353:7,
353:14, 366:13, 367:7, 370:11, 371:16,
372:1, 372:2, 378:22, 378:24, 381:9,
381:13, 389:11, 390:19, 394:21,
396:17, 397:2, 397:6, 410:4, 410:6,
411:17, 422:15, 433:3, 439:13, 440:19,
444:4, 450:3, 452:21, 452:22, 452:24,
453:1, 453:2, 476:12, 479:20
Many - 371:25, 397:2, 423:4, 452:25
Mao - 362:7
March - 258:14, 327:4, 328:17,
338:20
Marianne - 331:22
Marino - 341:14, 349:24
Mario - 396:25
Marisa - 252:14, 260:9
Maritime - 473:15
Mark - 256:17, 256:18, 351:6
marked - 285:18, 285:22, 286:4,
326:20, 334:15, 344:24, 350:13, 352:15
marriage - 390:13, 390:15
married - 390:11, 433:11, 433:13
Marsala - 329:16
Marshals - 391:4, 391:5
marshals - 391:13
marshals' - 376:11
Martino - 337:5, 417:23
Maspeth - 330:24
material - 356:25, 357:23, 487:7,
490:19, 490:22
matter - 253:15, 269:10, 424:23,
431:13
matters - 357:10
mauled - 400:11
Mauro - 327:15
May - 253:10, 264:11, 322:8, 331:16,
332:9, 336:12, 336:18, 387:16
may - 257:25, 264:12, 269:25, 270:1,
286:3, 297:18, 303:18, 308:24, 310:13,
360:17, 364:22, 370:16, 374:22,
381:23, 394:17, 394:18, 431:2, 432:7,
435:3, 441:23, 453:7, 456:10, 463:15,

465:8, 484:23
Maybe - 435:2, 451:22
maybe - 306:20, 400:25, 407:2,
408:14, 411:25, 413:2, 443:22, 452:20,
469:15, 478:23, 482:8
McLaughlin - 338:6, 451:21
McMahon - 347:9, 363:22, 477:17,
478:8, 478:12, 478:17, 478:19, 478:23
me - 253:6, 254:2, 255:3, 260:12,
264:14, 265:17, 266:8, 269:7, 303:5,
326:25, 327:19, 356:16, 357:1, 363:19,
366:22, 368:14, 374:15, 382:9, 382:10,
384:23, 385:22, 395:16, 396:2, 398:2,
399:14, 399:17, 400:17, 406:14,
406:15, 409:9, 411:24, 414:14, 414:24,
415:2, 416:13, 416:18, 423:16, 423:17,
426:9, 426:10, 428:6, 428:12, 430:12,
431:1, 431:3, 432:12, 437:13, 444:6,
446:9, 446:23, 451:25, 453:2, 453:8,
455:3, 458:1, 458:6, 458:12, 459:13,
462:17, 462:19, 463:20, 463:21,
464:25, 465:9, 466:8, 466:10, 469:18,
470:10, 470:15, 471:4, 471:5, 471:22,
472:11, 473:6, 473:11, 474:3, 478:1,
478:5, 486:8, 488:20, 489:14, 490:6,
491:6
mean - 276:2, 276:5, 279:18, 283:25,
287:21, 292:11, 294:16, 294:24,
301:12, 307:12, 317:25, 318:3, 319:8,
330:9, 380:16, 382:1, 382:18, 388:23,
392:25, 397:17, 403:23, 404:4, 404:19,
406:23, 407:13, 407:20, 412:6, 414:17,
418:5, 423:13, 431:8, 434:23, 445:3,
453:25, 475:18, 478:1, 479:16, 482:5,
482:7, 484:14, 487:10
meaning - 481:4, 487:18
means - 284:1, 294:17, 294:25,
300:4, 301:13, 302:8, 307:3, 311:22,
317:15, 318:1, 384:20, 415:10
mechanical - 252:25
mediator - 287:2
medical - 263:21, 437:18
meet - 259:21, 275:8, 276:13, 276:20,
281:5, 386:10, 398:15, 411:24, 416:19,
427:11, 447:12, 450:14, 450:18,
476:14, 481:5, 489:18
meeting - 263:25, 277:11, 302:1,
302:6, 320:3, 320:24, 358:11, 454:13,
473:9, 473:13, 486:20
meetings - 305:15, 305:19, 305:21,
362:15, 385:3
meets - 316:24, 417:18, 422:11
Melito - 414:14, 414:22, 416:14
member - 260:18, 261:10, 266:21,
271:21, 272:15, 278:6, 280:14, 287:23,
288:12, 290:19, 292:13, 292:17,
292:18, 293:20, 293:22, 293:24, 295:1,
295:5, 295:16, 295:18, 295:22, 295:24,
296:5, 296:8, 297:9, 297:25, 298:4,
298:18, 299:18, 299:24, 301:25, 302:5,
302:13, 302:20, 303:7, 303:8, 303:15,
304:1, 304:17, 304:18, 305:5, 307:6,
307:8, 307:13, 309:21, 310:1, 310:2,
311:9, 311:13, 311:25, 312:1, 312:10,
313:20, 313:24, 314:12, 317:19,
317:20, 317:21, 318:14, 318:16, 320:2,
322:22, 354:5, 366:19, 369:19, 372:11,
373:7, 373:13, 373:16, 374:5, 374:11,
381:19, 381:24, 383:14, 385:3, 385:8,
388:2, 388:16, 389:16, 390:7, 392:12,
393:8, 404:22, 406:16, 421:20, 423:14,
425:20, 426:1, 426:4, 426:20, 433:19,
437:13, 438:21, 441:15, 444:15,
445:12, 446:8, 446:14, 446:23, 446:25,
455:17, 460:21, 461:3, 462:10, 464:16,
465:4, 467:18, 468:8, 469:21, 470:13,
473:16, 473:21, 481:23, 483:24, 484:1,
486:15
member's - 302:11, 304:6, 305:5,
317:19, 433:10, 433:12

Members - 287:18
members - 261:4, 261:7, 263:25,
270:22, 270:25, 271:16, 272:3, 272:12,
273:3, 273:7, 275:8, 275:23, 276:18,
276:21, 277:4, 277:8, 277:17, 278:4,
279:3, 280:11, 282:14, 287:9, 288:10,
289:20, 291:8, 291:18, 291:20, 292:5,
292:14, 293:3, 295:6, 297:11, 297:23,
298:24, 298:25, 299:2, 299:21, 302:1,
302:8, 302:18, 304:2, 304:21, 305:6,
305:17, 306:3, 306:23, 307:1, 307:23,
309:7, 309:10, 309:25, 310:16, 311:5,
313:3, 314:3, 314:6, 315:17, 315:20,
317:5, 318:24, 319:13, 320:9, 321:9,
321:11, 321:17, 323:22, 354:24,
358:15, 366:3, 366:7, 370:19, 370:20,
370:22, 372:3, 377:14, 381:9, 381:11,
381:12, 386:8, 386:14, 388:4, 392:6,
393:24, 396:7, 396:19, 401:5, 404:11,
410:4, 411:17, 412:12, 419:15, 422:15,
433:12, 438:19, 438:21, 441:17, 443:2,
443:12, 444:5, 446:22, 452:14, 453:4,
453:10, 459:15, 459:23, 461:7, 463:23,
465:2, 466:3, 466:6, 467:19, 470:2,
482:16, 484:18, 484:24, 486:12
membership - 254:19, 289:15,
289:16, 298:1, 298:8, 421:12, 421:17,
421:20, 423:1, 481:14
memories - 330:10
men - 261:4, 262:16, 262:18, 263:7,
263:9, 265:10, 265:11, 287:18, 429:20,
429:22, 430:14, 430:15
mention - 359:10
mentioned - 267:25, 277:1, 280:7,
284:25, 285:7, 288:15, 290:25, 297:25,
303:8, 304:24, 306:7, 317:14, 318:3,
321:6, 396:6, 398:4, 435:14, 450:11,
458:16
mentioning - 474:25
mentor - 398:5
messenger - 432:11
met - 253:5, 253:8, 299:20, 309:24,
352:24, 353:2, 353:7, 353:14, 361:17,
417:9, 422:10, 427:8, 441:18, 450:22,
476:9, 478:24
metes - 286:16
methods - 361:11
Miami - 327:2
Michael - 259:10, 266:10, 327:8,
330:17, 331:4, 331:17, 331:18, 331:25,
332:1, 332:9, 332:11, 333:1, 336:3,
336:16, 337:25, 338:6, 341:1, 341:7,
341:11, 342:1, 342:3, 348:7, 352:5,
364:5, 364:13, 382:20, 387:8, 387:14,
390:22, 399:17, 399:21, 400:19,
421:22, 441:20, 441:24, 441:25, 451:21
Mickey - 382:14, 428:9, 428:16
Mickie - 417:23
microphone - 253:22
Mid - 403:22, 421:7
mid - 472:23, 472:24
mid-'70s - 261:23
Mid-'90s - 457:13
mid-98 - 481:11
Mid-december - 421:7
mid-december - 472:23
mid-to-late - 472:24
middle - 329:2, 331:1, 338:3, 470:22,
470:23
midtown - 419:18
might - 357:20, 357:21, 374:9,
456:11, 482:2, 489:21, 489:22
Mike - 342:5
Mikey - 266:10, 266:11, 336:9, 400:9
mind - 440:7, 446:4
mind's - 474:20
minimize - 274:23, 359:6
minted - 266:23
minute - 285:16, 324:17
minutes - 322:2, 322:4, 489:12

miranda - 254:9
missed - 255:2
mistake - 259:22, 263:3
mixed - 376:20
Mm - 410:23
Mo - 336:10
mob - 255:6, 259:5, 260:1, 261:4, 262:16, 284:7, 354:23, 365:23, 366:17, 367:12, 367:25, 368:9, 370:9, 370:15, 373:7, 381:19, 381:20, 381:21, 381:24, 381:25, 382:1, 382:7, 382:16, 382:22, 382:25, 383:2, 383:13, 383:18, 383:21, 384:12, 385:16, 385:20, 386:24, 387:2
mobster - 258:23, 260:6
mobsters - 260:3, 263:11, 264:2, 367:7, 488:9
Modica - 336:10
modified - 301:5
moment - 253:10, 260:11, 490:8
Monday - 447:24, 475:2, 485:9, 489:19, 491:4
monetary - 279:5, 319:12
money - 260:20, 262:8, 262:9, 283:2, 291:18, 291:20, 291:22, 292:6, 292:23, 293:15, 293:18, 294:5, 295:8, 295:17, 297:6, 297:20, 303:18, 309:12, 312:11, 317:22, 317:23, 319:4, 319:5, 319:7, 367:8, 368:5, 384:13, 385:4, 401:10, 401:13, 401:14, 404:6, 404:19, 404:20, 406:8, 406:10, 406:23, 407:5, 407:11, 407:14, 407:15, 407:25, 408:2, 408:6, 408:10, 408:17, 409:5, 409:6, 409:8, 409:11, 409:12, 409:16, 410:25, 411:3, 411:7, 412:17, 413:1, 413:24, 414:8, 417:16, 433:17
monies - 291:25, 292:16, 319:3, 320:6, 404:16, 404:17, 404:18, 449:7
monitor - 274:13, 274:24
monitoring - 274:17, 275:22
months - 259:24
Moore - 260:15
Morals - 271:14, 271:23
More - 478:13
more - 257:12, 270:22, 271:17, 272:9, 278:5, 288:20, 305:7, 308:13, 309:14, 310:16, 353:15, 358:16, 359:4, 369:13, 372:18, 372:19, 374:12, 386:14, 399:5, 405:11, 408:14, 413:1, 422:20, 424:4, 436:1, 438:21, 460:20, 470:18, 475:21, 475:24, 476:3, 476:12, 476:24, 482:1, 482:6, 482:12, 489:25
Moreover - 267:21
morning - 253:3, 257:6, 257:7, 260:8, 264:13, 270:4, 270:5
Moscatiello - 332:12, 335:24
most - 294:23, 297:8, 309:12, 312:5, 317:12, 333:2, 370:16, 388:25, 403:9, 412:4, 444:13, 477:12, 478:14
Most - 363:15, 370:17, 382:5, 426:15
Mostly - 435:17
mostly - 412:15
mother - 303:23, 431:13
motion - 375:25
motions - 490:16
motivation - 280:15
Moustache - 370:13
moustaches - 437:12
Move - 350:10, 466:12
move - 253:23, 286:10, 326:17, 327:12, 334:11, 344:21, 352:10, 352:11, 356:22, 394:17, 405:21
moved - 380:7, 380:12, 380:19, 381:2, 381:16, 382:11, 382:14, 391:15
moving - 382:18, 385:15
Mr - 253:10, 253:14, 253:17, 253:20, 253:23, 254:3, 254:8, 254:13, 255:15, 255:23, 256:8, 256:15, 266:5, 266:19, 266:20, 266:24, 268:10, 268:15, 268:22, 269:1, 269:19, 269:25, 270:3, 285:15, 285:19, 286:2, 286:8, 291:2,

297:1, 308:3, 308:23, 310:19, 312:7, 314:10, 319:15, 321:24, 322:8, 322:18, 322:19, 325:24, 326:7, 326:17, 329:7, 330:13, 334:11, 334:13, 334:16, 335:15, 335:16, 335:19, 338:18, 344:2, 344:21, 345:3, 345:6, 346:3, 346:14, 348:5, 350:10, 350:15, 352:8, 352:13, 352:16, 352:19, 352:21, 353:25, 357:8, 357:11, 358:3, 360:5, 360:16, 361:6, 362:22, 363:13, 363:15, 365:4, 375:12, 375:23, 376:3, 376:9, 376:19, 376:23, 377:3, 379:18, 379:25, 380:8, 380:14, 380:20, 380:22, 386:1, 386:3, 386:5, 387:4, 387:8, 387:16, 387:19, 388:11, 388:18, 394:14, 399:1, 410:16, 423:9, 424:2, 424:24, 425:13, 425:23, 436:3, 443:1, 446:12, 466:1, 469:10, 471:12, 471:19, 474:2, 475:2, 480:6, 483:9, 484:9, 484:22, 486:4, 486:10, 486:18, 486:23, 487:9, 487:22, 488:10, 488:17, 488:25, 489:3, 489:10, 489:15, 489:20, 490:10, 491:8, 491:12, 491:15
Ms - 255:2, 255:8, 255:14, 255:21, 256:12, 256:22, 258:12, 264:11, 264:13, 389:4, 389:9, 389:21, 394:17, 405:23, 416:9, 418:25, 419:3, 432:6, 437:22, 441:21, 443:16, 444:17, 453:6, 458:17, 459:12, 459:19, 460:7, 460:19, 461:15, 463:14, 464:2, 465:6, 466:12, 466:19, 467:11, 467:16, 468:15, 470:17, 474:14, 475:7, 476:1, 476:6, 479:2, 479:24, 480:3, 480:9, 480:18, 481:1, 481:16, 481:20, 481:25, 482:20, 483:21, 483:25, 484:15, 484:20, 489:13, 490:13, 490:17, 491:16
much - 278:4, 321:23, 321:24, 353:24, 360:22, 371:24, 408:10, 409:12, 411:3, 412:17, 412:21, 412:25, 434:7, 470:18, 472:11, 477:3, 479:12
Mulberry - 427:6, 427:7, 427:16, 427:19, 428:1, 447:10, 447:14
multiple - 400:25, 460:14, 460:16
murder - 258:21, 259:2, 259:6, 260:21, 262:2, 262:3, 263:22, 266:13, 268:7, 283:1, 295:19, 296:8, 315:3, 315:12, 318:17, 373:2, 373:3, 373:8, 373:12, 373:13, 373:14, 389:1, 389:5, 408:5, 412:7, 414:10, 414:13, 415:5, 415:10, 416:11, 417:3, 417:11, 418:23, 420:18, 420:25, 421:6, 423:18, 423:22, 424:5, 424:13, 424:16, 424:18, 424:19, 436:15, 436:21, 443:24, 444:1, 444:11, 444:23, 454:1, 463:13, 463:19, 463:25, 464:9, 464:12, 466:16, 466:22, 466:24, 466:25, 467:9, 467:15, 468:13, 469:12, 470:15, 470:21, 470:23, 471:11, 474:13, 474:21, 476:16, 485:17, 485:18, 486:6, 487:6, 487:21, 488:12
Murder - 295:12
murdered - 258:19, 259:19, 264:7, 419:17, 420:16, 421:4, 463:8, 463:9, 463:11
murderer - 475:1
murderers - 266:3
murdering - 258:25
murders - 262:23, 265:2, 308:15, 308:17, 315:10, 315:15, 318:10, 372:24, 373:1, 388:22, 389:2, 435:9, 435:14, 444:16, 444:21, 479:17, 484:17, 487:19
Murders - 414:18
Must - 315:5, 436:18
must - 322:14
mustache - 438:3
My - 264:15, 270:21, 391:20, 395:6, 395:24, 396:12, 399:7, 404:1, 405:9, 409:7, 413:9
my - 253:4, 256:13, 260:8, 270:23, 271:13, 271:15, 272:2, 272:7, 275:22, 359:13, 376:4, 377:18, 385:21, 391:16,

392:24, 393:24, 394:25, 395:10, 395:21, 396:15, 397:4, 397:5, 398:5, 398:17, 400:11, 400:17, 403:15, 404:7, 404:20, 406:5, 411:1, 412:18, 415:1, 416:20, 416:23, 430:2, 430:22, 430:23, 430:24, 431:2, 445:14, 447:12, 448:24, 464:6, 466:9, 471:8, 471:25, 476:9, 488:23, 489:21
myself - 269:1, 380:4, 391:13, 414:23, 445:11, 454:12
Myself - 413:25

N

N - 269:20, 350:15, 376:1, 387:10, 387:15, 492:3, 492:6
name - 260:8, 261:6, 264:15, 266:9, 269:23, 285:1, 285:8, 285:10, 291:10, 315:25, 316:1, 359:11, 362:7, 370:14, 387:13, 396:19, 400:16, 400:24, 401:3, 404:1, 417:5, 417:7, 421:11, 421:16, 421:20, 424:5, 428:10, 445:14, 475:1, 476:12, 477:7
named - 319:20, 350:3, 438:2, 477:17
names - 254:2, 284:4, 284:12, 284:17, 284:18, 325:13, 390:23, 391:3, 391:5, 401:2, 422:2, 476:12, 490:25
narcotics - 283:1, 303:25, 309:6, 309:7
narrative - 441:22
Nassau - 272:21, 371:5
nature - 275:18, 372:8, 422:8
necessarily - 382:16
necessary - 286:17, 366:19, 487:20
need - 273:17, 278:10, 307:22, 321:1, 321:3, 372:21, 410:11, 441:17, 491:6
needed - 354:2
needn't - 257:1, 330:8
negated - 281:9
neglected - 329:8
neighborhood - 395:1, 405:10, 447:12
neighborhoods - 293:4
Neil - 332:6
neither - 265:19
Never - 400:15
never - 258:15, 261:11, 261:16, 289:16, 303:9, 311:23, 352:24, 372:14, 373:15, 381:23, 400:17, 415:5, 442:9, 476:9, 476:13, 481:5
never-ending - 261:11
new - 253:4, 253:8, 277:8, 290:11, 298:13, 300:10, 300:14, 300:17, 303:6, 306:2, 306:5, 321:5, 321:10, 375:1, 375:10, 418:20, 423:15, 431:4
New - 252:1, 252:5, 252:16, 252:18, 252:20, 252:22, 260:10, 270:11, 270:12, 270:14, 270:23, 271:11, 272:7, 284:17, 284:20, 285:12, 287:3, 290:6, 291:4, 291:8, 291:9, 371:4, 379:4, 381:11, 382:12, 382:19, 393:4, 397:6, 401:18, 448:17, 454:6
newly - 266:23, 302:7
newly-minted - 266:23
news - 257:20, 450:4, 450:8, 463:12
Next - 328:3, 387:7
next - 259:10, 260:14, 296:18, 327:12, 330:11, 333:7, 343:21, 344:5, 376:10, 391:21, 398:18, 416:11, 423:24, 440:3, 440:22, 442:12, 465:12, 485:22, 491:1
Nicholas - 327:5, 327:8, 327:10, 332:1, 337:4, 338:2, 338:14, 342:8, 345:18, 346:7
Nick - 417:22
nickname - 315:25, 347:16, 400:6, 400:12, 416:1, 420:12, 455:8, 457:20, 462:4
nicknames - 315:21, 400:20, 461:19
Nicky - 345:18

niece - 340:25
nieces - 433:12
night - 253:18, 258:13, 264:6, 401:25, 402:25, 411:4, 411:6, 433:4, 449:21, 454:13, 485:8, 491:17
nights - 403:7, 403:12
Nnn - 349:15
No - 270:16, 277:23, 279:25, 281:17, 281:24, 286:10, 289:16, 289:24, 293:14, 293:16, 296:10, 296:14, 298:16, 298:19, 299:8, 307:8, 310:5, 312:18, 313:8, 314:16, 314:17, 314:20, 318:13, 320:14, 320:20, 322:24, 333:19, 334:13, 354:9, 354:12, 354:14, 356:4, 356:12, 359:12, 359:19, 359:25, 360:1, 360:15, 362:2, 362:17, 363:23, 363:25, 364:4, 364:6, 364:8, 364:18, 364:20, 364:24, 366:1, 367:10, 370:20, 372:15, 377:12, 380:10, 380:21, 380:22, 381:1, 384:11, 385:19, 386:9, 387:3, 390:14, 390:25, 391:11, 392:4, 392:14, 397:24, 402:11, 402:24, 406:11, 413:18, 415:6, 417:6, 417:10, 418:25, 419:3, 420:19, 421:2, 423:2, 423:20, 435:11, 435:21, 436:7, 437:5, 445:6, 445:8, 445:19, 445:24, 447:4, 453:12, 453:17, 455:11, 459:7, 459:13, 462:5, 463:10, 464:6, 464:24, 467:3, 467:7, 467:13, 469:8, 473:18, 477:3, 479:7, 481:15, 481:18, 482:22, 483:3, 488:16, 489:24, 490:17, 491:15, 491:16
no - 256:13, 256:15, 257:2, 263:3, 263:7, 265:18, 266:5, 268:6, 299:25, 302:17, 303:21, 303:23, 306:9, 306:11, 308:2, 314:2, 355:9, 356:17, 359:22, 360:12, 360:22, 361:22, 365:4, 365:10, 368:8, 368:24, 370:24, 378:4, 378:24, 380:19, 382:17, 386:1, 422:1, 423:20, 430:13, 463:16, 471:22, 482:12, 482:14
nobody - 373:17, 412:3
Nobody - 280:22
noise - 428:12
nonentity - 482:12
nonmembers - 443:3
nonsense - 268:22
normally - 426:14, 452:19
norms - 353:22
Norris - 252:14, 260:13
north - 268:11
Nose - 345:11
Nostra - 271:3, 271:4, 271:9, 282:1, 282:24, 283:5, 283:10, 283:25, 284:3, 288:18, 288:21, 289:6, 289:16, 290:23, 294:21, 294:25, 295:5, 300:4, 300:5, 300:9, 300:14, 301:13, 301:14, 302:4, 302:5, 302:9, 303:9, 303:21, 304:2, 304:6, 304:13, 304:17, 304:19, 306:5, 307:10, 308:7, 308:9, 308:18, 309:13, 309:20, 309:21, 309:23, 309:25, 312:20, 312:22, 313:11, 313:13, 318:6, 318:16, 320:12, 366:9, 371:25, 383:1, 384:3, 384:19, 387:1, 389:25, 397:16, 397:19, 404:12, 410:3, 431:11, 431:14, 437:8, 437:9, 441:13, 441:18, 441:24, 441:25, 443:3, 444:2
Nostra-wise - 441:18
nostro - 302:8
not - 253:2, 253:7, 254:25, 256:6, 257:18, 257:19, 258:8, 261:7, 262:3, 263:4, 263:8, 265:21, 265:23, 267:10, 267:13, 267:18, 267:22, 268:2, 269:8, 269:14, 274:20, 277:24, 279:11, 285:16, 293:15, 297:18, 298:18, 303:11, 303:13, 303:25, 304:3, 306:23, 307:6, 307:9, 307:13, 307:15, 307:17, 308:7, 309:6, 309:24, 311:8, 311:15, 312:2, 312:23, 313:18, 314:3, 315:10, 315:18, 315:25, 319:12, 322:25, 326:12, 330:7, 334:6, 341:17, 342:1, 354:5, 354:8, 354:10, 354:13, 355:2,

355:7, 356:3, 356:10, 356:17, 358:23, 359:13, 359:20, 360:1, 360:25, 361:1, 361:2, 361:4, 361:10, 361:15, 361:17, 362:23, 362:24, 363:1, 363:16, 365:14, 365:19, 365:22, 366:14, 366:20, 367:5, 367:22, 368:21, 369:6, 369:7, 369:17, 369:19, 370:2, 370:9, 370:10, 370:21, 371:8, 371:10, 371:18, 371:21, 372:11, 372:12, 373:3, 373:13, 373:14, 374:9, 374:15, 374:22, 376:2, 378:2, 380:16, 382:3, 382:6, 382:8, 382:9, 384:9, 384:21, 391:1, 392:5, 392:7, 403:10, 408:24, 410:2, 420:25, 422:8, 423:3, 425:23, 430:17, 432:3, 436:21, 436:25, 437:7, 439:13, 440:12, 443:3, 443:4, 445:13, 446:4, 449:23, 453:3, 453:9, 455:23, 463:21, 464:6, 464:25, 466:8, 471:7, 471:21, 472:4, 473:11, 474:6, 478:13, 479:2, 482:11, 485:19, 486:20, 487:24, 488:14, 488:21, 489:5, 490:2, 490:8
Not - 291:11, 321:24, 332:20, 368:14, 368:21, 368:24, 374:18, 378:4, 384:10, 385:23, 385:24, 397:4, 441:22, 450:3, 453:2, 455:11, 455:18, 465:9, 474:3, 476:2
note - 253:4, 256:17, 329:4, 329:7, 490:18
notepad - 378:7
notes - 254:7, 274:18, 323:4, 323:6, 330:5, 330:7, 330:8, 330:9, 359:25, 360:1, 360:3, 360:9, 360:14, 360:20, 364:23
nothing - 352:8, 352:16, 376:16, 383:2
Nothing - 387:4
November - 331:7, 390:6, 482:25, 483:16, 483:17
now - 264:24, 264:25, 265:8, 266:8, 267:8, 268:21, 270:15, 270:17, 330:5, 356:14, 375:13, 376:21, 382:20, 390:9, 391:3, 404:12, 431:11, 441:8, 446:23, 446:25, 448:24, 476:9, 485:6, 485:20, 486:16, 487:6, 489:5
Now - 256:10, 258:4, 260:23, 261:2, 265:4, 265:17, 266:7, 266:11, 267:9, 267:24, 268:6, 277:20, 280:7, 334:20, 375:22, 381:2, 424:24, 446:19, 447:4, 476:5
numb - 340:20
number - 265:11, 267:14, 275:13, 298:20, 313:16, 321:17, 323:2, 326:9, 330:4, 334:3, 343:12, 352:11, 379:16, 422:20
numbers - 357:24
numerous - 275:22, 278:22, 340:8, 340:9, 490:19
Numerous - 267:11
Nypd - 272:15, 272:17, 272:19

O

O - 269:20, 269:24, 376:1, 387:10, 387:15, 429:13, 492:3, 492:6
o'clock - 252:6, 375:14, 375:23, 489:19, 491:19
O'keefe - 341:25
oath - 261:13, 261:14, 300:8, 307:2, 312:13, 354:23, 389:15, 389:18, 389:20, 390:1, 431:2, 431:10, 432:18, 433:24, 433:25, 444:4
oaths - 315:2, 436:14
obey - 315:5, 436:18
obeying - 370:2
objection - 256:15, 334:13, 334:23, 375:24, 476:6
Objection - 308:3, 308:23, 310:19, 312:7, 314:10, 319:15, 357:8, 360:5, 360:16, 362:22, 363:13, 365:4, 379:18, 388:18, 389:4, 389:9, 389:21, 405:23,

418:25, 419:3, 432:6, 436:3, 437:22, 441:21, 443:16, 444:17, 446:12, 453:6, 458:17, 459:12, 459:19, 460:7, 460:19, 461:15, 463:14, 464:2, 465:6, 466:12, 466:19, 467:11, 467:16, 468:15, 470:17, 474:14, 475:7, 476:1, 479:2, 479:24, 480:3, 480:9, 480:18, 481:1, 481:16, 481:20, 481:25, 482:20, 483:21, 483:25, 484:15, 484:20
obligated - 357:19, 404:5, 445:14, 449:6, 452:16
obligations - 291:21, 473:16
observation - 276:25, 321:1, 321:3
observations - 276:15, 276:17, 276:24
observed - 325:17, 326:1, 338:10, 361:19, 366:16, 379:17
obstruction - 454:7, 454:8
obtain - 317:22, 470:8
obtained - 281:15, 357:25, 418:2
Obviously - 299:25, 301:8
obviously - 313:18
occasion - 318:24
occasionally - 450:3
occasions - 340:9, 359:15, 366:13
occupants - 323:19
occur - 268:14, 307:21, 374:11
occurred - 382:5, 425:2, 425:5
occurs - 321:18, 359:4
October - 340:15
odd - 265:8, 353:10, 379:14
Of - 252:1, 252:3, 252:9, 265:25, 368:7, 380:5, 401:13, 401:14, 432:4, 474:11, 489:3
of - 253:20, 253:24, 254:9, 254:13, 254:16, 255:2, 255:6, 255:9, 255:18, 256:18, 256:19, 257:3, 257:9, 257:10, 257:16, 258:1, 258:6, 258:9, 259:1, 259:2, 259:3, 259:4, 259:17, 259:20, 259:25, 260:10, 260:14, 260:16, 260:18, 261:3, 261:10, 261:13, 261:14, 261:15, 262:2, 262:5, 262:10, 262:13, 262:14, 262:15, 262:16, 263:1, 263:4, 263:12, 263:16, 263:18, 263:22, 263:23, 263:24, 264:2, 264:3, 264:9, 264:14, 264:20, 264:21, 264:22, 264:25, 265:1, 265:3, 265:5, 265:8, 265:10, 265:11, 265:12, 265:13, 265:20, 265:21, 265:23, 266:7, 266:12, 266:14, 266:21, 266:24, 267:1, 267:3, 267:5, 267:6, 267:7, 267:11, 267:14, 267:23, 268:4, 268:6, 268:7, 268:11, 268:15, 268:17, 268:23, 268:25, 269:1, 269:7, 269:8, 269:13, 270:11, 270:12, 270:14, 270:23, 271:18, 272:1, 272:15, 273:3, 273:7, 273:12, 274:24, 275:5, 275:12, 275:13, 275:17, 275:18, 276:3, 276:6, 276:15, 277:2, 277:8, 277:25, 278:3, 278:9, 278:12, 278:20, 278:22, 279:2, 281:4, 281:6, 281:8, 281:25, 282:14, 282:24, 283:3, 283:14, 283:17, 284:1, 284:17, 285:12, 285:25, 286:7, 286:11, 286:19, 286:22, 287:4, 287:6, 287:9, 287:13, 287:15, 287:18, 287:23, 288:3, 288:9, 288:12, 288:13, 288:15, 288:21, 289:4, 289:10, 289:12, 289:18, 289:21, 290:18, 290:19, 290:21, 290:23, 291:6, 291:7, 291:16, 291:20, 291:25, 292:1, 292:8, 292:13, 292:14, 292:15, 292:17, 292:18, 292:24, 292:25, 293:25, 294:6, 294:10, 294:11, 294:13, 295:1, 295:3, 295:5, 295:7, 295:15, 295:18, 295:22, 296:2, 296:4, 296:5, 296:8, 297:8, 297:9, 297:10, 297:11, 297:19, 298:11, 298:18, 298:20, 299:15, 299:21, 300:6, 300:7, 300:10, 300:14, 300:15, 300:16, 300:17, 300:23, 300:24, 300:25, 301:6, 301:21, 301:23, 302:5, 302:9, 302:14, 302:21, 303:5, 303:9, 303:18, 303:22,

304:1, 304:2, 304:11, 304:16, 304:17, 304:18, 304:19, 304:20, 305:1, 305:5, 305:6, 305:8, 305:15, 305:17, 305:22, 306:1, 306:2, 306:5, 306:19, 306:20, 306:21, 307:2, 307:10, 307:11, 307:23, 308:12, 308:17, 309:4, 309:7, 309:10, 309:12, 309:18, 309:21, 309:25, 310:10, 310:12, 311:3, 311:4, 311:10, 311:12, 311:18, 311:23, 312:10, 312:13, 312:14, 313:3, 313:11, 313:22, 314:21, 315:2, 315:13, 315:20, 316:20, 317:5, 317:11, 317:14, 318:16, 318:17, 318:19, 319:13, 319:18, 320:2, 320:6, 320:11, 321:8, 321:9, 321:13, 321:17, 321:20, 322:15, 322:21, 322:23, 323:2, 323:18, 323:19, 323:22, 323:23, 324:3, 324:8, 324:9, 324:24, 325:3, 325:4, 325:17, 325:20, 325:24, 325:25, 326:9, 326:10, 326:11, 326:12, 327:3, 327:14, 327:15, 327:17, 327:22, 327:23, 328:5, 328:9, 328:11, 328:12, 328:14, 328:16, 328:18, 328:20, 328:21, 328:23, 328:24, 329:2, 329:3, 329:12, 329:14, 329:15, 329:17, 329:18, 329:23, 329:24, 329:25, 330:1, 330:2, 330:4, 330:16, 330:17, 330:19, 330:22, 330:23, 331:1, 331:2, 331:5, 331:8, 331:10, 331:11, 331:12, 331:16, 331:17, 331:19, 331:21, 331:22, 331:25, 332:3, 332:5, 332:6, 332:8, 332:9, 332:10, 332:13, 332:15, 332:22, 333:2, 333:7, 333:14, 334:3, 334:4, 334:6, 334:12, 335:1, 335:2, 335:4, 335:7, 335:9, 335:12, 335:13, 335:21, 335:22, 335:23, 335:24, 336:1, 336:2, 336:8, 336:14, 336:15, 336:16, 336:19, 336:21, 336:24, 336:25, 337:3, 337:4, 337:6, 337:12, 337:22, 337:24, 337:25, 338:1, 338:3, 338:4, 338:5, 338:6, 338:7, 338:12, 338:13, 338:21, 338:22, 339:2, 339:3, 339:4, 339:5, 339:9, 339:10, 339:18, 339:19, 339:24, 339:25, 340:2, 340:8, 340:16, 340:18, 340:19, 340:20, 340:25, 341:1, 341:2, 341:3, 341:7, 341:13, 341:15, 341:24, 342:3, 342:6, 342:7, 342:8, 342:16, 342:19, 342:20, 342:22, 342:23, 342:24, 342:25, 343:6, 343:7, 343:8, 343:9, 343:12, 343:17, 343:18, 343:19, 343:20, 344:11, 344:15, 346:18, 353:18, 353:21, 354:10, 354:15, 354:17, 354:20, 354:23, 354:24, 355:9, 355:13, 356:5, 356:6, 356:8, 356:21, 357:10, 357:22, 357:23, 358:6, 358:15, 359:14, 359:15, 359:17, 361:10, 361:17, 361:18, 361:20, 362:1, 362:7, 362:10, 362:13, 362:20, 362:24, 363:7, 363:11, 363:18, 363:19, 364:23, 364:25, 365:3, 365:7, 365:8, 365:9, 365:10, 365:13, 365:25, 366:2, 366:7, 366:9, 366:17, 367:12, 367:18, 367:22, 368:8, 368:11, 368:16, 368:21, 369:3, 369:16, 369:17, 370:9, 370:19, 370:20, 370:22, 371:3, 371:9, 371:10, 372:8, 372:21, 373:4, 373:7, 373:9, 374:3, 374:5, 374:13, 374:16, 374:23, 374:25, 375:5, 375:7, 376:4, 376:11, 376:14, 377:7, 377:11, 377:19, 378:7, 378:16, 379:11, 379:16, 379:24, 379:25, 380:2, 380:7, 380:12, 380:14, 380:20, 380:23, 381:3, 381:6, 381:7, 381:10, 381:19, 382:25, 383:6, 383:10, 383:14, 383:19, 383:23, 384:23, 385:3, 385:16, 385:19, 386:8, 386:9, 386:24, 387:2, 388:2, 388:5, 388:11, 388:16, 388:21, 388:23, 389:2, 389:7, 389:15, 389:16, 389:20, 389:24, 390:7, 390:16, 390:17, 391:7, 391:16, 392:6, 392:12, 392:18, 392:21, 392:25, 393:4, 393:8, 393:17, 394:3, 394:8, 394:19, 394:21, 395:11, 395:13,

395:17, 395:22, 396:7, 396:12, 396:13, 396:19, 397:1, 397:8, 397:14, 397:18, 398:6, 399:8, 399:14, 401:5, 401:6, 402:8, 403:8, 403:9, 404:1, 404:5, 404:11, 404:12, 404:13, 404:20, 406:16, 407:22, 408:14, 409:11, 410:4, 410:16, 411:1, 411:9, 411:13, 411:17, 412:4, 412:11, 412:21, 412:23, 413:12, 413:14, 414:15, 414:21, 415:2, 415:4, 415:10, 416:7, 416:18, 417:2, 417:24, 418:7, 418:11, 418:23, 420:18, 420:23, 420:25, 421:3, 421:25, 422:7, 423:7, 423:9, 423:21, 424:5, 424:6, 424:23, 425:2, 425:5, 425:18, 425:20, 426:1, 426:4, 426:15, 426:20, 426:22, 426:24, 427:10, 430:9, 430:11, 430:19, 430:23, 431:2, 431:16, 432:3, 432:23, 434:3, 434:9, 434:12, 434:25, 436:8, 436:14, 437:6, 437:10, 437:13, 437:15, 438:6, 438:12, 439:12, 439:17, 440:11, 441:2, 441:12, 441:15, 441:18, 441:24, 442:4, 443:2, 443:12, 444:2, 444:3, 444:5, 444:11, 444:13, 444:15, 444:21, 444:23, 445:2, 445:3, 445:13, 445:23, 446:9, 446:11, 446:14, 446:16, 446:20, 446:24, 447:1, 447:2, 447:5, 447:6, 448:5, 449:3, 449:4, 449:5, 450:10, 450:12, 451:2, 451:3, 451:19, 452:7, 452:9, 452:14, 454:1, 454:7, 454:8, 454:12, 454:20, 455:23, 456:10, 459:3, 459:14, 459:22, 459:23, 459:25, 460:3, 460:21, 461:3, 461:18, 462:4, 462:10, 463:14, 463:23, 463:25, 464:9, 464:16, 465:3, 465:4, 465:11, 466:5, 466:7, 466:16, 466:23, 467:6, 467:18, 468:1, 468:8, 468:13, 469:12, 469:21, 470:2, 470:6, 470:13, 470:16, 470:21, 470:22, 470:24, 471:23, 472:23, 472:25, 473:3, 473:16, 473:21, 474:6, 474:10, 474:17, 475:1, 476:16, 477:13, 477:20, 478:1, 478:14, 479:17, 480:7, 480:14, 481:19, 481:22, 481:23, 481:24, 482:2, 482:12, 482:13, 482:25, 483:11, 483:24, 484:2, 484:3, 484:18, 484:24, 485:3, 485:16, 486:2, 486:4, 486:6, 486:12, 486:15, 487:2, 487:3, 487:4, 487:5, 487:24, 487:25, 488:1, 488:2, 488:21, 489:15, 489:18, 489:22, 490:2, 491:5
off - 257:24, 264:14, 274:23, 286:6, 326:22, 417:1, 446:20, 450:23
offer - 286:2
Office - 270:10, 271:25, 272:22, 273:1, 355:21
office - 260:15, 355:17, 371:5, 471:6, 472:13, 472:18, 473:3, 473:14, 473:18
officer - 258:12, 259:1, 263:17, 271:12, 366:22
Officer - 258:25, 259:3, 264:7
officers - 263:15, 358:13, 378:22
offices - 379:5
official - 289:11, 290:1, 403:18, 403:23, 406:1, 446:23, 449:2
Officially - 426:5
officially - 381:23, 403:25
often - 307:24, 309:20, 377:16, 417:14, 417:16, 449:15, 478:12
Oh - 414:2, 416:5, 431:21, 432:1, 433:25, 437:21, 443:25, 452:10, 464:21
okay - 253:25, 254:25, 410:18
Okay - 256:8, 324:20, 385:24, 427:25, 428:17, 439:16, 451:6, 464:8, 472:21, 486:8
old - 259:14, 268:16, 300:16, 306:2, 371:20, 390:9, 390:22, 392:8, 394:19, 395:11, 399:23, 403:14, 417:24, 423:10, 450:1, 488:8, 488:13
old-timers - 417:24
older - 346:2, 384:5, 395:25, 451:11
oldtimer - 396:12
Omerta - 389:19

omerta - 303:8, 307:2, 312:13, 312:14, 389:20, 431:2
on - 253:5, 253:7, 253:18, 253:19, 253:24, 254:5, 254:24, 255:12, 255:22, 255:25, 256:7, 257:20, 257:21, 257:23, 258:1, 259:15, 259:19, 266:2, 266:25, 267:7, 267:14, 268:6, 268:25, 269:1, 269:13, 269:14, 269:15, 269:16, 270:21, 270:24, 271:12, 271:20, 271:22, 272:3, 273:20, 273:21, 274:3, 274:18, 274:20, 275:17, 275:25, 276:1, 276:23, 277:10, 277:12, 278:10, 279:1, 279:23, 280:10, 280:20, 281:15, 282:5, 282:11, 287:5, 287:9, 288:1, 288:11, 288:17, 289:12, 292:24, 293:15, 294:21, 295:5, 296:3, 296:18, 300:1, 300:7, 300:12, 300:21, 300:23, 303:16, 305:19, 305:21, 306:13, 308:9, 308:11, 308:13, 308:25, 309:8, 312:20, 315:3, 317:14, 317:18, 317:20, 318:3, 318:4, 318:5, 318:8, 318:10, 318:24, 320:15, 320:18, 320:24, 322:12, 323:7, 325:3, 325:16, 328:9, 328:23, 331:2, 331:3, 331:4, 331:8, 331:11, 332:3, 332:6, 333:3, 334:18, 335:7, 335:15, 336:18, 337:8, 338:4, 338:9, 338:11, 339:4, 339:9, 339:20, 339:21, 339:24, 339:25, 340:9, 340:17, 342:20, 343:2, 344:15, 345:9, 346:4, 353:16, 353:20, 354:2, 354:6, 355:13, 356:2, 360:11, 361:6, 361:11, 363:4, 364:25, 365:24, 366:6, 366:13, 366:24, 367:4, 367:8, 368:19, 369:9, 369:15, 369:18, 369:21, 372:12, 373:5, 373:13, 373:14, 374:2, 374:10, 374:16, 377:14, 377:25, 378:16, 378:18, 378:20, 383:24, 390:17, 393:13, 395:14, 395:16, 397:4, 398:6, 398:18, 399:21, 400:11, 400:24, 402:14, 403:25, 404:4, 404:9, 404:25, 405:1, 405:21, 406:1, 406:5, 406:13, 406:19, 407:23, 408:8, 409:8, 410:9, 410:10, 411:3, 413:9, 413:12, 414:21, 414:24, 416:18, 418:4, 418:5, 422:2, 422:7, 423:23, 424:13, 425:15, 426:10, 426:12, 426:14, 427:3, 427:6, 427:7, 427:19, 428:1, 428:6, 429:17, 430:11, 430:25, 431:19, 434:10, 435:2, 435:7, 436:15, 438:25, 439:4, 439:11, 439:16, 440:7, 442:10, 442:12, 443:22, 444:11, 444:19, 445:3, 445:12, 445:14, 446:21, 447:10, 448:6, 448:8, 457:15, 463:12, 465:12, 466:7, 467:25, 471:1, 471:14, 471:16, 472:13, 472:18, 475:2, 476:20, 481:5, 481:11, 481:22, 482:5, 482:10, 485:19, 486:5, 486:13, 487:1, 487:4, 487:5, 488:3, 488:6, 489:9, 489:18, 490:4, 490:5, 490:9, 490:20, 490:25, 491:4, 491:9, 491:10
On - 258:14, 287:17, 301:18, 317:16, 327:7, 327:9, 332:13, 335:9, 342:23, 359:15, 412:18
once - 268:13, 287:25, 304:1, 304:19, 363:8, 381:18, 417:20, 422:10, 431:10, 476:18, 480:4, 480:20, 487:12
Once - 301:25, 303:8, 311:25, 313:6, 434:24
One - 261:22, 263:17, 277:3, 315:2, 345:7, 347:17, 349:12, 354:20, 363:2, 376:19, 389:12, 391:23, 410:9, 436:14, 437:10
one - 254:5, 254:13, 254:16, 259:3, 259:5, 259:7, 259:25, 262:3, 263:18, 264:14, 266:8, 268:25, 269:13, 299:15, 311:9, 313:10, 313:11, 314:14, 316:21, 316:22, 319:18, 323:2, 326:23, 328:21, 332:16, 337:19, 340:3, 342:13, 350:2, 354:17, 358:17, 359:10, 359:25, 363:19, 370:8, 373:9, 376:4, 381:18, 382:17, 382:18, 385:13, 385:19, 389:13, 390:21, 391:23, 393:2, 396:13,

397:14, 401:17, 402:19, 409:9, 409:17, 410:10, 418:6, 427:10, 431:18, 431:19, 434:12, 441:14, 442:2, 444:3, 444:15, 445:2, 447:24, 454:12, 454:13, 454:20, 455:13, 460:14, 478:4, 482:4, 486:5
ones - 279:12, 340:4, 346:3, 377:12, 379:21, 380:18
ongoing - 473:23
Only - 360:6, 361:13
only - 258:1, 259:5, 267:10, 268:25, 269:13, 269:15, 274:10, 296:14, 302:4, 302:19, 313:10, 313:11, 313:14, 314:14, 316:24, 361:5, 374:16, 375:19, 381:18, 386:24, 445:2, 445:15, 482:4
Onofrio - 336:10
onto - 327:12
open - 253:2, 258:5, 280:13, 280:24, 293:6, 298:12, 299:23, 320:13, 376:2, 410:2, 410:11, 410:18, 422:21
opened - 320:2, 361:3, 361:8
opening - 10:10, 298:13, 318:7
openings - 258:4
operate - 288:9, 291:5, 385:4, 464:22, 470:12
operated - 291:14
operates - 283:23
operating - 291:8
operation - 292:12, 292:15, 293:23, 319:4, 411:1
operations - 361:10
opinion - 283:17, 283:20, 283:23, 361:24, 365:9
opportune - 452:19
opportunity - 255:11, 487:11
Or - 372:10, 382:14, 383:5, 383:18, 385:7, 399:20, 401:2, 412:10, 432:13, 444:20
or - 254:21, 254:25, 255:6, 256:6, 257:2, 257:12, 257:20, 257:23, 259:7, 259:8, 261:9, 265:14, 267:18, 267:22, 273:21, 274:3, 274:6, 274:21, 275:9, 275:17, 275:21, 276:4, 276:11, 276:15, 276:18, 276:23, 276:25, 277:8, 277:22, 278:6, 279:8, 280:5, 280:11, 280:12, 280:14, 281:8, 284:2, 285:13, 287:11, 287:20, 289:5, 289:8, 290:9, 290:10, 292:4, 292:12, 292:17, 293:7, 293:24, 294:11, 295:22, 297:3, 297:20, 299:21, 300:4, 300:9, 300:21, 300:24, 301:22, 302:18, 303:25, 304:22, 305:22, 306:10, 309:11, 309:22, 310:2, 310:10, 310:11, 310:12, 311:13, 315:25, 316:10, 316:12, 316:23, 317:5, 317:21, 317:25, 319:11, 319:22, 320:2, 320:9, 320:24, 321:11, 322:22, 325:6, 325:13, 329:24, 330:7, 332:18, 334:20, 353:3, 355:18, 355:24, 357:15, 357:21, 358:5, 358:14, 360:25, 361:16, 366:7, 366:18, 367:13, 367:16, 368:1, 368:22, 368:23, 369:13, 371:12, 371:14, 371:21, 372:3, 372:9, 373:4, 373:8, 373:22, 375:7, 375:24, 377:7, 379:5, 379:22, 379:25, 380:14, 380:23, 382:25, 383:3, 384:6, 384:15, 385:10, 389:1, 391:14, 393:2, 393:13, 393:14, 397:18, 399:17, 400:24, 400:25, 401:4, 401:11, 404:6, 404:16, 407:2, 407:17, 408:6, 409:22, 410:3, 411:6, 416:25, 417:1, 422:6, 422:7, 422:8, 422:19, 424:12, 426:5, 430:8, 432:10, 432:13, 433:12, 434:24, 435:4, 436:19, 437:6, 437:10, 438:15, 438:21, 440:1, 441:2, 443:19, 444:25, 448:7, 449:5, 449:10, 450:17, 452:20, 452:22, 453:4, 453:10, 453:14, 453:17, 456:11, 460:14, 462:25, 463:12, 463:16, 463:20, 469:21, 471:21, 472:4, 474:5, 476:20, 477:6, 477:22, 478:14, 478:23, 482:8, 482:12, 487:24, 488:14, 488:21, 489:21, 490:16
orally - 257:2

order - 259:19, 267:8, 278:10, 314:18, 314:25, 315:3, 315:5, 315:9, 329:9, 383:2, 393:21, 424:14, 436:5, 436:6, 436:11, 436:15, 436:18, 436:20, 436:22, 436:23, 436:25, 466:6, 491:8
ordered - 254:12, 259:20, 392:6, 417:12
orders - 315:13, 469:24
organization - 271:5, 397:15, 407:13
organizations - 272:23
organize - 283:20, 291:13
organized - 265:1, 270:22, 270:24, 271:1, 271:16, 271:21, 272:3, 272:12, 275:8, 275:23, 276:18, 276:21, 277:4, 277:5, 277:9, 277:16, 278:3, 278:5, 278:13, 279:3, 279:16, 280:11, 280:13, 282:1, 282:3, 282:8, 282:14, 282:20, 284:20, 285:12, 285:25, 286:7, 286:15, 287:23, 288:10, 288:12, 288:24, 289:21, 290:1, 290:18, 290:19, 290:20, 291:3, 291:16, 291:20, 292:13, 292:14, 292:18, 293:1, 293:10, 293:13, 293:19, 293:22, 294:1, 294:14, 295:6, 295:9, 295:22, 296:5, 296:8, 297:9, 297:14, 297:22, 298:18, 298:21, 299:5, 302:21, 302:22, 305:5, 305:8, 305:23, 307:24, 308:17, 309:7, 310:22, 311:6, 311:7, 311:9, 311:13, 311:24, 313:6, 313:21, 313:24, 314:9, 314:18, 314:22, 315:19, 315:20, 316:5, 316:13, 316:19, 317:5, 317:8, 318:24, 319:14, 319:19, 320:2, 320:24, 321:17, 322:23, 353:18, 358:15, 366:6, 368:12, 369:3, 371:7, 371:10, 373:22, 377:12, 377:14, 381:9, 384:2, 386:8, 386:11, 387:21, 391:2, 392:13, 393:4, 393:9, 393:17, 394:1, 394:3, 394:21, 395:2, 395:11, 396:7, 396:20, 397:6, 400:20, 401:5, 404:21, 405:10, 405:11, 406:22, 409:3, 409:4, 410:4, 412:11, 420:20, 426:21, 434:7, 436:5, 436:9, 437:13, 438:16, 441:9, 443:2, 443:12, 444:1, 444:15, 452:14, 452:17, 470:7, 475:18
Organized - 259:4, 260:19, 261:10, 261:25, 264:6, 272:8, 284:25, 395:9
organized-crime - 265:1, 270:22, 270:24, 271:16, 271:21, 272:3, 272:12, 275:8, 275:23, 276:18, 276:21, 277:4, 278:3, 278:13, 279:3, 279:16, 280:11, 282:1, 282:3, 282:8, 282:20, 284:20, 285:25, 288:10, 288:24, 294:1, 377:14, 384:2, 394:1, 394:21, 397:6, 444:1
original - 370:13
originally - 354:22
other - 254:5, 260:3, 260:11, 262:8, 262:23, 263:12, 264:2, 272:20, 280:2, 280:3, 280:4, 284:4, 285:1, 285:8, 286:24, 287:2, 287:3, 289:20, 290:7, 291:4, 292:14, 294:8, 295:6, 295:20, 298:9, 298:11, 299:21, 301:23, 302:1, 302:8, 302:10, 304:2, 304:5, 304:20, 305:22, 306:3, 309:2, 309:24, 314:16, 316:22, 320:24, 321:2, 321:12, 323:10, 323:12, 325:25, 326:15, 330:10, 332:19, 334:9, 337:13, 338:10, 340:4, 345:7, 357:24, 358:14, 359:14, 366:8, 366:10, 366:11, 367:23, 368:1, 368:14, 368:23, 370:4, 370:19, 370:20, 372:3, 373:22, 378:9, 378:22, 380:23, 384:6, 385:4, 386:10, 392:6, 395:24, 404:11, 410:10, 411:23, 412:10, 412:11, 419:15, 421:25, 422:9, 422:19, 423:6, 425:16, 429:24, 431:7, 432:24, 433:3, 438:3, 439:11, 439:17, 439:21, 440:19, 441:15, 441:16, 441:17, 442:7, 444:14, 446:21, 446:25, 448:21, 451:19, 452:10, 452:14, 459:23, 461:7, 465:2, 466:3, 466:6, 467:19, 476:12, 481:5, 484:18, 484:24, 486:12, 487:15
Other - 266:22

others - 265:2, 269:14, 283:3, 288:20, 325:6, 325:7, 380:4, 380:14, 411:20, 418:18, 419:5, 433:22, 451:22, 460:24, 468:9, 477:11, 487:19
Otherwise - 353:22
otherwise - 266:10, 354:13, 367:13, 373:8
Our - 284:2, 397:18
our - 253:14, 255:17, 260:15, 265:20, 265:21, 266:21, 268:11, 268:14, 274:9, 376:20, 389:23, 422:10, 441:1
ours - 284:1, 302:9, 397:18, 441:24
out - 256:7, 262:20, 263:4, 265:15, 267:6, 267:11, 271:20, 276:10, 279:4, 280:20, 286:16, 287:20, 289:1, 298:18, 307:17, 311:23, 313:11, 314:14, 314:16, 339:12, 355:21, 356:6, 358:4, 359:5, 359:9, 362:20, 368:7, 369:8, 371:10, 372:25, 373:16, 374:13, 374:24, 375:21, 377:17, 377:23, 378:20, 381:18, 383:6, 383:23, 386:24, 387:2, 388:24, 391:16, 393:24, 396:4, 399:22, 401:5, 406:8, 406:10, 406:15, 409:6, 409:8, 409:11, 409:12, 409:17, 409:23, 409:25, 411:1, 411:9, 411:13, 412:22, 414:20, 414:22, 415:18, 416:23, 422:13, 422:19, 423:22, 426:13, 426:18, 426:22, 430:23, 431:16, 431:19, 434:9, 434:24, 442:8, 442:10, 445:3, 445:15, 445:16, 446:11, 447:2, 447:11, 448:7, 451:3, 451:23, 454:13, 456:10, 456:20, 468:20, 469:4, 478:3, 480:14, 481:4, 481:5, 481:6, 481:19, 481:24, 482:4, 487:18, 490:3
Out - 363:18, 379:24
outcast - 386:12
outcome - 471:23
outfit - 284:8, 413:7
outgoing - 290:9
outright - 275:24
outside - 259:11, 265:10, 288:7, 290:3, 297:18, 308:8, 317:6, 369:17, 389:24, 390:16, 412:3, 412:5, 412:15, 473:3, 491:5
outsider - 303:10, 441:13
outsiders - 261:17, 307:3, 307:4, 442:4
Over - 278:12, 283:8, 297:12, 324:11, 353:15, 367:22
over - 262:21, 262:22, 264:6, 264:20, 264:25, 278:14, 281:14, 288:3, 293:23, 299:1, 299:18, 301:7, 301:21, 303:7, 320:4, 324:8, 339:1, 353:4, 353:7, 353:10, 353:14, 354:19, 356:13, 357:3, 357:19, 370:14, 377:10, 379:16, 380:3, 383:21, 394:17, 396:9, 422:9, 423:11, 423:22, 425:17, 453:11, 460:16, 476:8
overall - 361:7
overcome - 488:22
overlook - 267:1
override - 472:1
Overruled - 389:10, 437:23, 443:17, 458:18, 461:16, 465:7, 475:8, 476:7
overwhelmed - 267:13
own - 265:6, 314:23, 358:5, 359:6, 365:3, 369:9, 373:5, 379:2, 399:4, 406:5, 407:22, 431:6, 431:12, 435:4, 439:15
owned - 288:13, 399:16
owners - 323:19
owns - 317:19
Ozone - 336:13, 342:18

P

pads - 330:6
Page - 492:2
page - 296:18, 343:21, 398:18, 423:24, 442:12, 465:12, 485:22
paid - 317:22

palaver - 486:3
palm - 300:25
palms - 300:7
Panzarella - 327:16, 327:23, 328:1, 328:3, 328:15, 329:3, 331:2, 338:4, 347:7
Papavero - 330:23
paper - 300:24, 443:6
papers - 257:19
Paradiso - 417:23
paralegal - 260:15
paralegals - 253:24
parcel - 412:22
parents - 391:20
Parisi - 329:16, 331:3, 332:4
Park - 336:13, 342:18
park - 416:23
parking - 259:17
parlor - 305:14
part - 255:2, 259:4, 261:13, 262:16, 270:23, 300:10, 304:11, 304:19, 306:20, 307:2, 327:3, 354:6, 356:21, 362:13, 365:25, 366:2, 366:9, 367:1, 368:21, 368:22, 369:3, 369:16, 369:17, 370:9, 375:7, 388:21, 388:23, 391:7, 397:14, 404:13, 404:20, 412:22, 414:15, 417:11, 418:7, 430:19, 441:12, 468:8, 473:16, 488:1
participate - 261:25, 296:8, 307:25, 414:13, 438:23, 443:13
participated - 264:22, 268:20, 273:3, 273:7, 273:12, 273:20, 412:24
participates - 414:10
participation - 391:7
particular - 274:5, 274:9, 275:24, 276:3, 276:10, 276:13, 277:11, 282:3, 289:1, 292:13, 293:3, 293:7, 293:21, 295:5, 296:5, 298:24, 305:14, 318:9, 322:14, 353:15, 358:20, 359:11, 361:15, 369:21, 371:11, 374:23, 375:3, 393:16, 405:1, 447:22, 474:5, 485:3, 487:21
particularly - 270:22, 271:17, 272:9, 451:19, 474:8, 486:21
parties - 448:19
partners - 263:9, 477:15
parts - 300:16
party - 253:25, 254:10, 302:5, 441:17, 448:15
Pascual - 364:7
Pasquale - 329:16
pass - 422:3, 422:4
passed - 268:12, 367:1, 404:2, 417:24, 422:12
passing - 314:14
Pat - 440:15
patrol - 271:12, 353:16
Patsy - 462:14
Paul - 254:3, 340:25, 349:10, 350:25, 398:7, 399:5, 399:10, 404:3, 410:21, 410:24, 416:16, 418:12, 418:13, 418:23, 419:13, 425:16
Paulie - 396:6, 396:23, 398:4, 398:5, 398:12, 398:15, 399:8, 399:12, 399:24, 403:25, 404:8, 404:17, 405:2, 406:19, 407:8, 407:24, 408:3, 409:8, 410:14, 414:14, 416:13, 417:13, 417:18, 417:21, 421:8, 421:15, 425:18, 425:23, 447:3, 475:11
Pauline - 396:1
Pause - 253:13, 256:25, 324:19, 345:2, 376:7
pay - 262:11, 308:13, 393:14, 406:15, 407:4, 407:11, 409:17
pay-or-die - 393:14
paying - 369:13
payment - 319:12
payments - 406:9
Pecchio - 352:3
Pellegrino - 336:16, 337:24

Pelligrino - 337:5
pen - 378:7
penalties - 309:16, 309:18, 310:4, 311:18, 370:1, 372:7, 435:18
penalty - 309:19, 314:25, 315:7, 315:12, 436:11, 436:25, 445:25
pencils - 330:6
pending - 279:7, 280:17
pens - 330:6
People - 409:17
people - 259:8, 259:9, 260:12, 262:8, 262:10, 268:13, 274:9, 274:10, 275:13, 276:6, 276:13, 277:11, 280:22, 288:16, 290:20, 294:9, 298:13, 305:6, 308:7, 308:12, 308:13, 309:25, 310:13, 313:14, 316:20, 321:5, 325:12, 325:17, 326:14, 332:22, 333:2, 333:24, 334:8, 334:17, 334:20, 334:23, 338:10, 338:13, 344:16, 344:18, 345:9, 354:21, 354:22, 356:12, 368:5, 369:8, 370:13, 370:15, 370:25, 373:17, 374:25, 375:1, 381:7, 381:25, 382:5, 382:24, 383:11, 383:23, 384:5, 384:14, 385:15, 389:7, 393:12, 396:13, 397:2, 398:3, 400:16, 403:9, 404:21, 408:20, 409:12, 409:21, 409:23, 410:3, 413:1, 433:3, 435:20, 437:11, 438:3, 441:16, 442:3, 444:15, 444:25, 446:19, 448:8, 448:10, 450:3, 450:10, 451:19, 452:21, 453:3, 453:9, 453:12, 476:10, 485:20, 486:12, 486:20, 487:25
people's - 275:9, 299:12, 330:10, 411:6, 468:1
percent - 281:7, 296:4, 339:8, 380:16
percentage - 288:3, 288:5, 291:25, 292:8, 306:19, 309:7, 311:3, 409:9, 411:9
perform - 465:4
performed - 324:7
performing - 323:25
perhaps - 487:18
period - 274:23, 291:7, 407:24, 470:24, 472:25, 482:23, 483:12, 483:14
permanent - 384:1
permanently - 309:23
permission - 273:17, 274:5, 285:17, 286:5, 291:6, 298:5, 306:14, 315:15, 318:17, 318:18, 318:21, 372:21, 373:3, 373:5, 373:14, 373:17, 382:25, 385:16, 404:18, 410:11, 410:15, 410:20, 416:16, 433:15, 433:20, 434:21, 435:6, 435:7, 435:15, 440:18
permit - 365:6, 484:21
permitted - 318:14
perpetrated - 259:6
Perrone - 327:25, 328:4
person - 259:7, 289:1, 289:11, 292:25, 293:20, 294:7, 295:4, 298:8, 298:13, 299:20, 300:3, 300:7, 300:11, 300:16, 300:19, 302:7, 313:15, 316:21, 366:11, 368:1, 368:2, 368:9, 374:16, 375:3, 375:7, 385:13, 398:11, 415:13, 422:11, 433:6, 439:11, 442:2, 445:18, 457:4
person's - 300:22, 300:25, 359:11
Personal - 354:7, 370:7
personal - 274:21, 354:6, 366:20, 370:3, 370:6, 371:14, 384:7
personality - 371:9
personally - 264:22, 371:2, 379:21, 443:13
persuasion - 258:6
pertains - 271:18, 311:5
pertinent - 274:18, 274:21
Pete - 347:17, 461:25, 462:3, 481:5, 481:7
Peter - 328:4, 328:5, 328:12, 329:17, 331:5, 331:10, 331:13, 331:20, 337:7, 337:8, 338:1, 338:3, 338:14, 339:3, 340:17, 342:22, 342:23, 342:24,

342:25, 343:1, 346:16, 346:18, 347:15, 363:2, 363:7, 363:24, 481:8
Petes - 370:13
Petrocelli - 332:14
Philimily - 417:23
Philip - 336:24
phone - 274:3, 274:6, 276:1, 427:2
photo - 300:24, 327:5, 327:6, 327:14, 327:15, 327:17, 338:3, 339:3, 341:13, 342:22, 342:25, 381:2
Photograph - 331:2, 338:4
photograph - 327:23, 327:25, 328:2, 328:4, 328:5, 328:11, 328:12, 328:14, 328:15, 328:16, 328:20, 328:23, 328:24, 329:2, 329:14, 329:15, 329:17, 330:17, 330:19, 330:25, 331:1, 331:3, 331:4, 331:10, 331:11, 331:12, 331:17, 331:19, 331:24, 331:25, 332:3, 332:5, 332:6, 332:10, 332:11, 332:13, 332:15, 332:17, 335:2, 335:4, 335:6, 335:7, 335:9, 335:12, 335:13, 335:23, 335:24, 336:3, 336:7, 336:8, 336:14, 336:15, 336:16, 336:19, 336:21, 336:24, 337:3, 337:4, 337:6, 337:24, 337:25, 338:1, 338:6, 338:7, 338:21, 338:22, 339:1, 339:2, 339:4, 339:18, 339:19, 339:20, 339:22, 339:24, 340:17, 340:18, 340:19, 341:1, 341:2, 341:3, 341:7, 341:10, 341:15, 341:24, 342:2, 342:3, 342:4, 342:6, 342:7, 342:8, 342:15, 342:19, 342:20, 342:23, 342:24, 343:6, 343:7, 343:8, 343:9, 343:18, 343:19, 346:2, 346:18
photographed - 326:9, 334:3
Photographs - 380:14
photographs - 263:24, 325:1, 332:8, 333:14, 336:1, 336:12, 336:23, 338:5, 339:5, 339:6, 339:10, 339:12, 339:14, 340:2, 340:8, 340:15, 340:24, 342:11, 343:4, 344:6, 344:8, 344:11, 344:16, 345:8, 377:7, 377:8, 377:9, 377:10, 379:20, 379:23, 380:7, 380:9, 380:10, 380:12, 380:15, 380:19, 381:6
photos - 276:15, 322:21, 324:24, 325:3, 325:12, 333:18, 333:24, 340:21, 341:6, 342:17, 379:11, 379:14, 380:2, 381:16
physical - 263:24, 276:6, 278:1, 278:12, 320:21, 320:23, 323:22
Physical - 276:10
physically - 304:22, 313:25
pick - 330:11, 404:17, 430:17, 434:18
picked - 430:17
picking - 380:22
picks - 388:24
picture - 300:6, 341:17, 341:19, 350:8, 394:12, 430:11
pictured - 326:12, 332:19, 334:6, 344:19
pictures - 324:12, 325:16, 334:4, 340:2, 344:13, 344:18, 376:14, 379:25
piece - 300:24, 407:23, 414:21, 415:2, 415:10, 416:18, 423:21, 444:11, 447:2
pier - 402:1
Pierno - 327:7
piers - 402:14
pin - 430:23
pinch - 436:16
pinched - 445:10
pistol - 260:6
Pizzonia - 328:16, 335:14, 341:9, 341:12, 347:5, 428:9, 428:16, 429:7, 433:2
placard - 291:1
place - 274:7, 275:7, 277:11, 284:14, 292:22, 302:6, 320:3, 320:6, 320:25, 344:5, 392:8, 406:17, 409:21, 417:3, 418:6, 421:6, 427:18, 434:6, 434:17, 439:19, 447:15, 449:23, 460:9, 464:10, 464:12, 467:2, 469:14, 470:23, 470:25,

472:12, 472:22, 474:5, 474:8, 486:14, 488:15
placed - 275:6, 324:16, 325:12, 333:6, 333:25, 345:4, 404:25, 449:18
places - 378:9, 403:3, 411:22, 412:11, 481:5, 485:7
placing - 273:21, 304:13
plan - 445:8
planned - 264:21
planning - 254:24
plates - 323:15
play - 264:1, 320:10, 371:21, 411:13, 418:16, 418:17, 456:22
played - 396:17, 411:9
playing - 411:8, 437:17, 438:9
Plaza - 252:15, 252:22
plea - 260:12, 265:23
Please - 321:22, 374:21
please - 253:3, 253:12, 256:16, 256:17, 256:18, 257:5, 257:15, 258:11, 291:1, 322:7, 326:5, 329:6, 330:14, 363:19, 375:13, 376:8, 376:25, 425:3, 425:6, 425:11, 425:14, 432:8, 485:11
pled - 262:25, 265:14
pledged - 261:11
plunged - 259:14
plus - 299:1, 299:2, 352:11
pockets - 411:6
point - 255:9, 255:17, 256:7, 256:23, 260:2, 276:25, 284:11, 309:10, 321:2, 321:3, 333:3, 355:20, 361:19, 375:10, 375:12, 386:9, 387:20, 409:9, 421:11, 430:11, 444:10, 444:19, 468:17, 475:21, 478:4, 480:21, 488:9, 490:9
point-blank - 260:2
Police - 271:11, 272:7, 371:4
police - 263:15, 263:17, 271:12, 279:8, 379:6, 396:14
policies - 437:7, 437:8, 438:15
policy - 286:17, 437:6, 437:8, 437:24, 438:1, 438:5, 444:20
policy-wise - 444:20
politics - 423:4
ponytails - 437:11, 438:4
popular - 411:15
poses - 376:14
position - 262:7, 270:9, 289:1, 290:1, 290:2, 387:25, 388:13, 392:10, 398:8, 413:8, 415:15, 415:23, 418:2, 419:10, 420:5, 424:17, 429:16, 446:24, 450:16, 450:20, 452:2, 457:6, 468:17, 469:1, 469:19, 478:9, 481:9
positioned - 286:8
positions - 260:25, 271:8, 272:19, 272:20, 286:21, 286:22, 288:23, 289:7, 290:4, 396:20, 424:20
positive - 339:7, 339:8, 340:5
possess - 266:5
possessed - 461:7
possesses - 267:3
possible - 309:18, 355:10, 360:3, 367:13, 472:11, 481:19, 481:23
Possible - 385:22
possibly - 304:22
post - 254:8, 254:9
post-arrest - 254:8
post-miranda - 254:9
poster - 333:7
pot - 411:8, 411:9, 411:13
potential - 358:21
poured - 263:19
power - 286:14, 294:5, 294:8, 294:11, 296:17, 297:13, 308:12, 315:9, 372:19, 386:10, 418:16, 418:17, 436:20, 482:11, 482:14
powerful - 288:20, 416:4
powers - 309:23, 385:3, 385:17
preceding - 342:13, 490:25
precisely - 470:20
prefer - 278:5

prepare - 357:20
prepared - 255:24
present - 253:2, 257:4, 264:4, 264:8, 300:12, 322:6, 333:18, 343:13, 354:8, 354:10, 354:13, 359:11, 360:11, 376:2, 376:24, 425:9, 425:10, 460:8, 464:3, 464:14, 469:17, 471:2
presented - 265:24, 267:15
presently - 258:9
presents - 269:6
press - 255:4
pressing - 254:24
pretty - 353:23, 353:24, 354:2, 450:23, 487:17
prevalent - 368:13
prevent - 389:20, 442:4
previously - 283:4, 343:1, 463:22, 465:2, 490:24
prick - 300:22
pricked - 430:23
primary - 291:16
Prince - 447:14
principle - 434:11
principles - 267:15
Prior - 297:25, 300:21, 353:1, 377:6, 406:1
prior - 255:10, 272:25, 318:15, 325:9, 333:21, 339:16, 343:12, 343:15, 344:8, 344:12, 363:7, 363:9, 363:10, 363:12, 380:9, 382:20, 383:24, 400:1, 442:3, 483:8, 483:10, 483:17
prison - 265:13, 289:14, 289:21, 450:10
private - 299:9, 369:1, 410:1
probably - 253:6, 353:15, 357:1, 373:15, 426:5, 444:3, 452:23, 453:12, 478:22
Probably - 399:25, 403:15, 450:19, 460:16, 464:11, 469:15, 476:18, 476:25
probative - 488:22
problem - 374:7, 435:5, 455:15, 482:2, 489:24
problems - 275:10, 275:12
procedure - 313:7
procedures - 279:12
Proceed - 258:11, 322:17, 358:2, 377:1, 425:14, 466:15
proceed - 257:14, 258:10, 300:1
proceeding - 363:9
Proceedings - 252:25
proceedings - 363:12
proceeds - 471:24
process - 281:3, 295:21, 298:3, 358:16, 361:7, 421:16, 421:18, 421:19, 471:25
produced - 252:25
professionals - 491:10
proffer - 358:8, 358:10, 358:17, 358:19, 359:1, 359:5, 359:18, 360:14, 361:12, 361:18
proffers - 281:4, 281:6, 360:12
profile - 411:23
profits - 291:24, 292:9, 311:3
Program - 376:12, 391:8, 391:10
program - 391:12
programs - 257:20
prominence - 297:14
prominent - 374:9
promised - 261:15, 261:16, 261:17
promises - 261:14
promotion - 435:21
proof - 384:12
property - 283:2, 404:5, 434:25, 446:9, 482:13
proposals - 422:1
propose - 298:1, 298:4, 455:15, 455:16, 456:2
proposed - 455:14
proposing - 421:23
prosecute - 454:18

prosecuted - 265:7, 281:10, 438:13, 454:20
prosecution - 264:19, 266:2, 267:19, 267:25, 268:8
prosecutions - 356:22
prosecutor - 353:2, 358:12, 360:3, 360:20, 361:20
prosecutor's - 355:17
prosecutors - 353:7, 353:14, 361:11
protect - 291:19, 306:4, 359:10, 458:20
protection - 292:10, 292:11, 292:13, 319:12, 369:10, 369:24, 404:11
protocol - 354:4, 366:17, 367:12, 420:20, 439:3, 440:4
protocols - 301:25, 302:11, 302:14
proud - 446:16
prove - 264:20, 322:14, 405:20, 489:1
proven - 267:19
provide - 486:11, 490:25
provided - 281:22, 322:12, 330:6, 490:18, 490:20
Public - 271:14, 271:23
public - 275:7, 275:13, 299:7, 320:13, 376:17, 410:2
publish - 286:3
pull - 262:14
pulse - 466:7
Puma - 259:13
pumped - 260:6
punish - 258:22, 312:6
punished - 311:15
punishment - 286:16, 313:3, 383:16, 383:20
purpose - 277:2, 302:14, 304:18, 306:23, 323:18, 438:8, 442:4, 444:23, 467:21, 467:24
purposes - 291:16, 302:16
pursuant - 277:9, 365:17
push - 423:16, 423:17, 443:21, 489:17
pushed - 292:1
Put - 427:6
put - 255:22, 261:15, 271:20, 274:4, 297:11, 298:8, 300:7, 300:16, 300:21, 306:5, 318:3, 318:10, 345:9, 346:4, 374:13, 383:3, 383:7, 383:24, 385:19, 385:21, 393:13, 394:15, 403:25, 409:7, 414:21, 416:18, 416:22, 418:6, 421:11, 422:2, 422:25, 426:10, 427:3, 430:24, 434:6, 435:1, 443:19, 444:19, 457:15, 458:19, 461:21, 486:5
puts - 296:15
putting - 421:22, 426:12
Putting - 318:5

Q

qualifies - 488:17, 488:18
qualities - 294:1, 294:8
quality - 294:19
qualms - 488:23
quasi - 408:6
Queens - 259:12, 259:15, 271:14, 271:17, 271:23, 271:25, 330:16, 330:24, 336:14, 342:18, 343:5, 447:11, 447:19, 454:13, 476:9, 481:4, 481:6
question - 265:6, 301:1, 301:4, 301:8, 301:11, 357:11, 360:7, 361:5, 361:14, 362:24, 362:25, 363:1, 376:5, 376:19, 441:22, 463:16, 471:8, 471:20, 472:3, 479:25, 480:6, 483:22, 484:10
questionable - 383:8
questioned - 286:15
questioning - 484:3, 484:8
questionnaire - 268:1
questions - 255:25, 256:8, 386:2
quick - 376:9
quiet - 311:6, 355:2
quit - 384:14, 387:3, 445:5

<p>quite - 256:9, 320:7, 321:22, 339:6, 423:23, 485:7, 488:3 quitting - 445:6</p>	<p>275:19, 357:7, 357:15, 359:20, 361:2, 401:6 recording - 273:21, 449:18 recordkeeping - 376:20 records - 437:18, 438:10 rectangular - 430:6 Redirect - 386:4, 492:5 reduced - 280:17 refer - 287:15, 287:19, 288:20, 294:17, 302:9, 401:2, 426:24, 451:14 reference - 298:12, 302:19 referred - 284:3, 286:22, 287:17, 287:22, 297:2, 357:22, 400:17, 475:19 refers - 285:6 Reframe - 379:19 refused - 259:21 regard - 377:9, 424:19 regarding - 254:15, 298:23, 320:5, 354:4, 361:7, 370:3 regime - 287:11 registered - 323:19 regular - 279:7, 367:8, 485:2 Reiter - 352:5 related - 267:23, 452:17 relates - 353:17 relationship - 351:3, 359:5, 392:23, 395:2, 399:2, 404:22, 419:24, 451:2, 451:9, 452:5, 459:1, 466:9, 468:2, 470:1, 470:3, 473:20, 473:23, 473:25 relatives - 297:23 relevance - 363:13, 437:22, 472:5 reliable - 268:2 religion - 356:5 relocate - 382:2 Relocate - 382:3 relocated - 382:15, 382:25 rely - 279:23, 281:15, 487:1 relying - 471:14, 487:4 remain - 375:18 remaining - 262:4 remember - 263:8, 426:6, 428:10, 455:11, 467:2, 467:4, 467:6, 467:8, 467:14, 469:14, 469:17, 470:20, 470:25, 471:2, 472:21, 474:13, 474:20, 478:22 remind - 451:5 Remini - 335:8, 335:10 Remove - 291:1, 485:11 renounced - 254:19 renouncing - 481:13 repaid - 271:22 repeat - 431:1 repeatedly - 256:2, 453:4 repetitive - 321:23 replace - 298:24, 298:25, 299:2, 313:15 replacement - 313:14 report - 303:13, 311:13, 323:7, 404:7, 404:17, 449:15 reported - 448:22 reporter - 327:19, 328:7 Reporter - 252:21 reports - 280:4, 323:8 represent - 260:16, 264:17, 265:4, 276:5, 300:15 representant - 441:2 representation - 292:17, 317:20, 317:23 representative - 254:11 representatives - 253:25 represented - 281:5, 316:21 representing - 316:20, 358:12 reprimanded - 310:15 reputation - 308:11, 308:25, 409:2, 479:13 reputations - 297:20 request - 253:17, 439:17, 464:6 requests - 471:25 required - 357:2, 367:18 requirement - 296:7, 296:12, 384:17,</p>	<p>384:18 requirements - 295:24 resign - 313:7 resolve - 449:12, 449:14 respect - 285:12, 291:21, 304:3, 304:4, 304:20, 304:21, 306:3, 307:1, 309:25, 360:6, 360:8, 361:13, 365:23, 424:4, 430:15, 439:13, 439:23, 449:9, 470:19, 471:13, 483:4, 483:6, 483:17, 483:20, 484:2, 485:1, 485:2, 487:22, 488:12 respected - 287:3, 398:3, 400:18, 483:23 respond - 489:13, 490:13 responded - 263:16 response - 441:22 responsibilities - 270:19, 272:2, 286:24, 287:24, 289:2, 289:12, 384:6, 404:15, 449:9 responsibility - 270:23, 271:15, 287:25, 288:3, 289:10, 382:1 responsible - 266:13, 306:16, 418:17, 418:23, 463:18 rest - 265:13, 409:11, 461:18, 485:19 restaurant - 419:18, 452:22 Restaurants - 378:12, 452:10 restaurants - 276:20, 299:13, 412:13 resumed - 253:1 retake - 290:24, 344:3 retaliate - 392:3 retire - 313:21, 313:23, 445:7 retirement - 272:7, 272:21, 445:8 retiring - 314:2 retribution - 311:24 retrieve - 292:16 return - 269:8, 292:9, 311:23, 317:19, 317:23, 404:9 returns - 367:8 reveals - 357:16 reversed - 362:12 review - 274:19, 280:4, 323:8 reviewed - 324:14, 324:21, 325:8, 325:20, 333:16, 333:20, 340:8, 344:13 rewarded - 424:18 Riccobono - 341:15 Richard - 339:18, 339:21, 348:13 Richie's - 477:22, 478:14 Rico - 267:25 ridden - 263:20 ride - 399:21 ridiculous - 306:10 right - 262:22, 262:24, 265:6, 269:18, 297:11, 301:8, 322:4, 326:25, 327:9, 328:15, 329:3, 330:11, 331:2, 331:11, 332:6, 332:14, 335:13, 335:18, 336:6, 337:6, 337:10, 338:1, 338:4, 339:4, 339:20, 339:25, 341:14, 342:8, 342:10, 342:22, 342:24, 343:7, 343:9, 343:18, 376:8, 376:25, 381:8, 382:9, 382:13, 394:14, 424:20, 425:1, 425:3, 425:6, 425:11, 428:6, 430:22, 439:25, 440:6, 441:8, 491:5, 491:17 Right - 356:16, 369:20, 369:22, 372:25, 383:15, 415:22, 442:6, 443:11, 472:20, 473:4, 473:8, 476:23 rise - 413:10 risk - 376:14 riviera - 260:1, 260:4, 263:19 riviera's - 260:7 Rizzo - 328:1 roads - 257:9, 485:6 rob - 260:4 robberies - 400:4, 406:6, 435:8 robbery - 262:1, 380:23 robbing - 434:1 Robert - 327:6, 336:16, 337:5, 337:24, 348:2, 364:1 Roccaforte - 331:18, 331:25, 332:1, 332:9, 332:12, 333:1 Rocco - 327:14</p>
--	--	---

Rockaway - 331:9
Roger - 252:13, 260:12
role - 269:2, 269:4, 359:6, 416:20, 416:23, 424:5, 448:25, 460:22
roles - 468:1
Romanelli's - 327:22, 331:8, 331:22
Ronald - 349:12, 350:19
Ronnie - 349:12
room - 300:9, 360:18, 375:18, 375:20, 428:7, 428:8, 428:13, 428:19, 429:20, 429:22, 429:24, 430:1, 430:3, 430:5, 432:22
rooms - 299:13, 396:16
Rossetti - 364:15, 364:17
roster - 422:17
rote - 353:23
routine - 366:23
routinely - 367:25
row - 332:4, 338:3
Ruggiano - 327:6, 327:9, 328:2, 335:14, 341:8, 341:11, 341:18, 347:3, 349:18, 349:20, 364:9
Ruggiero - 331:19, 335:2, 341:19, 347:1, 349:16, 349:22, 451:22, 455:4, 455:12
Ruggiero's - 455:20
Rugiano - 327:8, 328:19
ruining - 373:9
rule - 296:11, 299:1, 303:7, 304:5, 304:8, 304:10, 304:18, 305:23, 306:7, 306:13, 308:17, 309:21, 360:22, 368:8, 370:8, 370:10, 371:8, 372:10, 372:13, 372:14, 372:15, 372:17, 372:20, 372:23, 372:25, 373:21, 386:16, 386:25, 423:18, 423:20, 423:21, 431:20, 431:22, 431:24, 432:4, 434:21, 435:10, 435:14, 435:16, 436:22, 437:3, 437:6, 437:8, 442:4, 446:2, 471:14, 471:25, 474:5, 488:17, 488:18, 488:20
Rule - 356:25, 488:19, 488:23
ruled - 418:8
Rules - 487:3
rules - 265:21, 282:9, 282:11, 298:23, 300:13, 302:23, 302:25, 303:2, 303:5, 303:7, 304:12, 304:16, 307:15, 307:20, 309:2, 309:4, 309:13, 309:15, 309:16, 310:6, 310:9, 310:17, 311:4, 316:15, 353:23, 354:4, 357:19, 357:25, 366:4, 370:2, 370:6, 372:10, 372:16, 372:18, 372:19, 373:9, 385:10, 389:23, 432:3, 433:7, 433:9, 434:3, 434:4, 434:13, 434:15, 434:17, 434:20, 435:18, 435:20, 435:22, 436:1, 437:7, 437:9, 437:20, 437:21, 438:15, 438:23, 440:8, 440:11, 440:21, 441:9, 444:1, 444:3, 444:8, 445:2, 452:13, 453:19, 474:5, 481:22
ruling - 429:18
run - 334:19, 393:2, 478:3
running - 266:19, 369:5, 369:8, 412:16, 440:18
runs - 369:1
Russo - 349:14
Russo's - 328:9

S

S - 376:1
safe - 265:18
safely - 268:11, 268:12
said - 277:14, 281:1, 287:13, 294:13, 294:19, 301:1, 301:10, 301:20, 303:2, 306:13, 312:2, 353:10, 359:23, 367:19, 370:2, 372:18, 374:19, 378:9, 379:21, 382:15, 383:24, 395:20, 398:13, 399:9, 402:14, 402:25, 405:3, 405:9, 405:13, 405:14, 407:15, 408:8, 409:19, 411:22, 412:2, 412:24, 413:1, 416:14, 416:18, 424:9, 430:13, 430:14, 430:19, 430:21, 431:18, 431:22, 433:20, 434:16,

434:21, 435:25, 438:10, 443:18, 448:1, 448:8, 454:18, 455:15, 456:2, 456:10, 456:22, 461:17, 466:8, 466:9, 466:21, 467:12, 467:25, 468:3, 469:11, 470:15, 472:23, 473:23, 474:25, 479:11, 490:3
saint - 300:6, 300:21, 300:23, 300:24, 430:11, 430:24, 431:3
Sal - 341:19, 346:24, 352:3, 420:11
salary - 414:4
Salica - 417:23
Sally - 352:3, 419:22, 420:13
salon - 399:17
salt - 362:1
Salvatore - 259:13, 328:13, 335:1, 335:10, 346:24, 347:13, 349:2, 392:18
Samantha - 254:4
same - 258:6, 272:23, 275:14, 285:13, 294:25, 313:1, 316:20, 317:1, 318:1, 338:12, 339:12, 339:16, 340:20, 341:10, 342:10, 343:1, 343:11, 350:7, 353:24, 354:22, 367:3, 373:15, 378:23, 406:10, 422:18, 430:1, 432:25, 435:3, 436:22, 449:13, 450:11, 469:6, 469:15, 470:1, 471:18, 472:7, 488:1
Same - 290:15, 416:13, 445:19, 476:6
Sammy - 347:13, 413:12, 413:13, 415:21, 416:1, 416:2, 431:18, 469:11, 469:24, 470:3, 470:5, 470:8, 470:15, 470:20, 470:22, 471:6, 472:6, 472:10, 472:12, 473:1, 473:14, 473:18
sanction - 420:25
sat - 339:11, 361:12, 430:10
satisfied - 489:5, 490:8
satisfy - 471:5
Saturday - 448:2, 448:4, 448:6, 448:9
Saturdays - 476:21
saw - 326:14, 366:23, 477:4, 477:9, 480:20, 486:6
say - 257:24, 258:8, 265:17, 265:19, 266:23, 271:1, 276:2, 300:5, 302:8, 305:18, 310:6, 312:4, 324:9, 334:24, 337:19, 354:18, 358:5, 361:3, 366:1, 366:2, 366:13, 366:15, 368:14, 371:13, 379:10, 383:5, 384:14, 385:21, 399:16, 399:20, 407:19, 409:22, 410:17, 412:6, 414:17, 415:2, 415:10, 418:5, 422:18, 433:1, 434:18, 439:3, 439:12, 439:16, 439:25, 442:1, 442:9, 447:1, 453:23, 454:8, 454:19, 459:11, 460:10, 466:25, 474:12, 482:10, 483:11, 484:14, 485:19, 489:6
Say - 382:3
saying - 275:15, 283:12, 366:22, 367:17, 374:15, 374:22, 401:10, 467:14
says - 257:22, 360:22, 361:25, 368:8, 383:9, 414:14, 414:20, 414:25, 415:1, 415:2, 416:13, 430:14, 430:15, 430:16, 430:19, 431:1, 431:4, 439:15, 439:22
Scala - 328:13, 346:24, 419:22, 420:11
Scars - 266:10, 266:11, 348:7, 400:9
scenes - 263:16
scheduled - 258:20, 266:9, 363:18, 422:13
school - 401:15
Scida - 338:1, 338:14, 342:8, 342:19, 342:21, 342:23, 343:6, 343:8, 343:9, 346:22
Sclafani - 328:14, 329:2, 329:16, 330:19, 331:3, 332:4, 335:8, 335:10, 338:5, 338:15, 342:9, 343:20, 346:20
scope - 314:21, 436:8
Scopo - 338:21, 340:16, 340:19, 352:7
score - 407:17
scrutiny - 295:1, 374:2, 375:4, 375:8
search - 273:17, 357:6
searches - 273:12
seasoned - 361:24
seated - 322:7, 339:1

Seated - 260:14
seats - 375:18, 430:6
Second - 327:15, 327:25, 328:12, 331:11, 336:8, 341:10, 487:2
second - 286:20, 327:6, 328:20, 329:20, 330:18, 331:18, 331:25, 332:11, 333:8, 335:24, 336:7, 336:15, 336:21, 338:22, 339:2, 339:19, 340:18, 341:2, 341:20, 342:2, 342:3, 429:25, 480:2
second-in-command - 286:20
seconds - 329:15
secrecy - 262:15, 312:20, 441:12
secret - 261:12, 299:10, 302:17, 312:21, 389:23, 430:18
secretly - 264:1
secretly-recorded - 264:1
secrets - 261:16, 263:1
Section - 272:10
secure - 299:14, 301:24
securities - 265:2, 304:1
Security - 376:12, 391:8, 391:10
security - 302:16, 376:14, 403:8
see - 256:13, 258:9, 263:24, 265:12, 274:24, 276:13, 276:14, 277:18, 286:9, 287:8, 294:6, 305:23, 321:3, 321:4, 326:3, 336:6, 342:2, 366:23, 380:17, 388:4, 388:7, 394:25, 397:4, 414:14, 414:20, 415:9, 416:13, 416:14, 417:14, 418:10, 422:5, 427:6, 432:15, 445:21, 448:6, 450:22, 452:20, 473:14, 473:19, 476:17, 476:19, 476:24, 477:4, 477:21, 477:22, 478:12, 478:17, 479:12, 486:16, 488:21
seeing - 478:23, 480:21, 480:25
seek - 395:8, 396:13, 420:23
seeking - 485:17
seems - 256:9, 486:8, 489:17
seen - 278:4, 293:21, 333:11, 367:7, 383:8, 398:2, 399:8, 416:25, 430:11, 449:16
Seifan - 252:14, 258:12, 260:9
selected - 267:9, 267:12
selectively - 310:7, 312:17
selects - 290:8
sell - 368:9, 368:15
selling - 368:8, 368:11
sending - 490:3
sends - 432:11, 432:13
Senior - 328:19, 330:23, 332:2, 332:9, 335:6, 337:19, 337:20, 343:17, 347:19, 349:16, 349:18, 419:8, 419:9, 421:5, 431:24, 440:24, 441:1, 441:5, 476:8
Senior's - 420:15, 476:22
sensational - 265:6, 269:7
sensationalism - 269:3
sense - 263:4
sensible - 489:18
sent - 289:14, 298:9, 311:23, 393:24
sentence - 259:23, 280:17, 391:14
sentenced - 365:20
sentences - 401:9
Sepe - 331:13
September - 341:6
sequentially - 338:19
series - 281:4
serious - 408:24, 408:25, 409:1, 412:5, 412:6, 412:7
seriously - 386:25, 387:1, 408:21, 431:20
service - 454:6
Service - 391:4, 391:5
session - 358:8, 358:10, 358:17, 358:19, 359:5
sessions - 359:1, 359:18, 360:14, 361:12, 361:18
set - 358:8, 394:15, 434:19
sets - 286:17
setting - 368:2
settle - 316:10, 316:24

seven - 258:17, 259:18
seventeen - 271:7, 377:11, 377:13, 377:15
seventies - 403:22
seventy - 381:5, 381:6, 381:16
seventy-four - 381:6
several - 262:17, 273:16, 279:21, 297:12, 299:1, 300:13, 303:7, 367:22, 370:15, 370:16, 377:6
Several - 273:6, 273:11, 273:25
severe - 370:1
severity - 313:3
shake - 319:8
Shake - 319:9
shaken - 369:2
share - 263:1, 323:10, 464:19, 464:25
shared - 466:3, 466:10
shares - 468:3
sharing - 465:10
shark - 271:19
Sharkey - 252:17, 255:2, 255:8, 255:14, 255:21, 256:12, 256:22, 264:11, 264:13, 264:16, 375:23, 389:4, 389:9, 389:21, 394:17, 405:23, 416:9, 418:25, 419:3, 432:6, 437:22, 441:21, 443:16, 444:17, 453:6, 458:17, 459:12, 459:19, 460:7, 460:19, 461:15, 463:14, 464:2, 465:6, 466:12, 466:19, 467:11, 467:16, 468:15, 470:17, 474:14, 475:7, 476:1, 476:6, 479:2, 479:24, 480:3, 480:9, 480:18, 481:1, 481:16, 481:20, 481:25, 482:20, 483:21, 483:25, 484:15, 484:20, 489:13, 490:13, 490:17, 491:16
sharking - 406:8, 408:4, 408:10, 408:13
shave - 371:12
sheet - 274:18
sheets - 275:1
shelf - 383:24, 482:11
shelve - 384:15, 385:4, 385:5, 385:9
shelved - 254:21, 309:22, 383:11, 386:6, 386:9, 482:7, 482:17, 482:19, 483:2
shelving - 383:20, 385:23, 385:24
Shernita - 260:15
shift - 265:16, 377:20
ships - 371:20
shirt - 326:6
shoot - 430:21, 486:7
shooter - 297:7
shooters - 297:3, 419:19
shooting - 486:13
short - 267:8, 470:24, 472:24, 487:12
shorter - 469:16
shortly - 321:25
shorts - 414:7
shot - 258:17, 259:18, 260:2, 260:6, 345:5, 345:6, 391:25, 418:14, 418:22
Shot - 463:5
shotgun - 260:6
shots - 345:4, 377:8
should - 255:19, 256:12, 300:8, 301:15, 307:15, 367:13, 370:9, 488:13
shoulder - 414:24
shouldn't - 444:22
show - 258:15, 261:8, 261:23, 263:23, 321:18, 344:18, 345:8, 350:7, 376:4, 384:12, 414:6, 444:25
Showing - 429:5, 458:6, 458:12, 462:2
showing - 285:21, 345:20, 346:15, 394:11, 398:10, 410:22, 415:12, 417:25, 419:6, 420:2, 420:8, 420:10, 428:20, 429:2, 429:13, 451:24, 454:25, 455:2, 457:3, 457:18, 457:25, 462:16, 462:19, 478:6
shows - 459:20
shul - 403:5
shuls - 403:4

shunned - 455:23
shut - 274:23
shylock - 408:25, 409:11, 411:1, 412:19
shylocking - 266:15, 406:5, 406:7
Sicily - 284:10
sick - 303:22
side - 296:3, 439:12, 439:17
Side - 285:11
sides - 355:21, 491:11
sidewalks - 449:20
sign - 391:16
signal - 385:20, 399:21
signals - 401:10
significance - 365:11
significant - 354:18, 354:20, 365:13
signifying - 393:14
silence - 258:21, 303:8, 375:20, 389:15
silver - 342:11
similar - 285:13, 353:18, 353:19
simply - 262:10, 381:25, 382:24, 383:3
Since - 257:10, 330:4
since - 296:13, 340:11, 470:5, 489:22
sink - 371:20
sir - 275:11, 352:22, 360:12, 381:1, 382:9, 387:5, 389:3, 471:7
Sit - 253:3, 253:22, 375:16, 376:25, 425:6, 425:11, 485:14
sit - 257:5, 264:15, 303:6, 316:7, 316:9, 316:10, 316:15, 316:19, 317:1, 361:15, 438:17, 438:18, 438:22, 438:24, 439:2, 439:5, 439:8, 440:1, 446:19
sit-down - 316:7, 316:9, 316:10, 316:19, 317:1, 438:18, 438:22, 439:5, 439:8, 440:1
sit-downs - 316:15, 438:17, 438:24
sits - 260:24
sitting - 260:12, 269:9, 390:4, 430:7, 430:8, 439:1, 439:22, 440:13, 440:16, 445:11, 478:3
situation - 361:19, 393:15, 416:13
situations - 288:25, 289:4, 356:10, 356:12, 362:3, 366:7, 375:2
six - 257:16, 261:20, 353:3, 392:9, 396:16
Sixteen - 394:20
sixteen - 377:21
sixty - 265:25, 269:13
sixty-two - 265:25, 269:13
sketch - 376:13
skilled - 491:10
Skinny - 347:5, 429:7, 430:1
skipper - 432:12, 432:14
skippers - 287:5, 432:19
slab - 431:19, 445:3, 482:5
slack - 436:1
slated - 266:22
sleep - 433:10, 433:11
sleeping - 306:23
slightly - 406:11
slippery - 485:7
slow - 328:6
Slow - 327:19
small - 253:15, 339:6, 400:4, 414:24, 415:3
smart - 267:11
smile - 434:12
smoke - 269:5
smoking - 338:23
sneak - 372:24, 372:25, 373:2, 373:3, 373:8, 373:12, 435:17
Sneakers - 345:15, 457:21, 477:6, 477:7
snuck - 259:16
So - 254:12, 254:23, 256:4, 257:14, 272:11, 277:17, 280:18, 286:4, 289:14, 293:4, 294:10, 298:24, 302:9, 307:6,

307:15, 307:19, 312:22, 313:17, 316:21, 316:25, 326:20, 330:11, 332:24, 334:15, 337:1, 342:10, 344:24, 350:13, 352:15, 377:13, 378:18, 379:2, 391:2, 393:4, 404:13, 411:11, 414:22, 415:1, 427:14, 434:9, 434:12, 434:13, 435:6, 438:5, 438:10, 438:11, 440:19, 440:21, 443:2, 443:9, 453:15, 455:16, 466:25, 468:22, 469:21, 472:15, 472:18, 472:24, 476:9, 478:24, 483:14, 483:17, 486:11
so - 253:25, 254:8, 254:24, 255:6, 267:8, 267:22, 268:18, 278:4, 286:8, 294:5, 302:18, 305:20, 306:17, 315:17, 317:23, 319:6, 329:24, 337:22, 353:23, 355:1, 356:11, 361:2, 366:6, 374:12, 378:16, 379:25, 380:9, 385:7, 400:5, 401:2, 417:1, 426:5, 434:8, 434:18, 437:18, 437:19, 444:12, 452:4, 452:21, 452:22, 455:15, 456:1, 456:5, 458:20, 466:23, 470:5, 470:23, 478:23, 480:21, 480:25, 485:7, 488:19, 490:23
so-called - 434:8
Social - 409:21, 447:10
social - 275:7, 276:19, 276:21, 319:24, 320:1, 320:5, 320:8, 320:9, 320:13, 320:15, 320:18, 320:19, 320:24, 336:13, 354:10, 378:9, 394:25, 396:14, 409:19, 410:1, 410:4, 410:6, 410:11, 410:25, 411:15, 411:21, 411:22, 412:16, 412:21, 427:12, 427:13, 476:11, 476:22, 477:1
society - 299:10, 302:17, 312:21, 389:23, 430:18, 431:18, 441:12
Soldier - 420:7, 440:5, 455:7, 458:11
soldier - 261:9, 261:11, 287:19, 287:22, 290:1, 316:22, 368:20, 388:15, 398:9, 398:13, 404:7, 405:18, 407:1, 407:2, 407:16, 409:22, 414:15, 439:20, 439:21, 439:22, 440:1, 446:17, 447:2, 453:17, 462:14, 462:24, 468:2, 468:18, 468:22, 469:2, 482:8
soldier's - 287:24, 287:25, 288:20, 316:23
soldiers - 261:3, 261:5, 287:8, 287:10, 287:16, 287:17, 288:15, 288:19, 289:23, 297:2, 310:11, 315:9, 422:1, 422:4, 426:24, 436:20, 440:4, 449:3, 449:10, 449:13
Soldiers - 261:3
solid - 257:12, 485:15
Some - 262:20, 278:2, 305:7, 310:13, 325:4, 332:22, 338:12, 354:24, 355:19, 357:22, 367:22, 368:16, 377:7, 406:13, 415:3, 444:25
some - 257:9, 257:10, 263:4, 264:3, 265:8, 265:12, 275:5, 282:24, 283:3, 284:11, 287:15, 288:19, 290:21, 291:8, 292:12, 296:3, 303:5, 304:16, 305:4, 313:7, 314:2, 315:19, 325:17, 326:11, 326:12, 338:13, 339:5, 353:10, 355:19, 355:20, 357:23, 361:17, 365:2, 366:3, 370:17, 370:20, 371:21, 372:23, 376:14, 377:8, 379:14, 381:6, 383:10, 395:22, 396:2, 396:19, 404:17, 406:5, 408:4, 409:7, 412:11, 414:23, 426:20, 426:24, 428:12, 430:6, 430:23, 431:7, 432:20, 433:7, 433:22, 434:3, 440:11, 448:5, 451:19, 454:7, 480:14, 485:7, 485:8, 487:2, 487:3, 487:4, 488:8, 489:21, 490:19
some-odd - 379:14
Somebody - 257:22, 305:12
somebody - 257:22, 278:25, 279:18, 280:9, 280:20, 280:23, 287:2, 287:19, 287:20, 288:8, 289:5, 294:17, 294:25, 297:6, 297:7, 302:19, 304:21, 310:14, 313:13, 313:15, 315:24, 316:23, 316:25, 317:9, 318:1, 318:2, 319:9, 319:10, 332:24, 372:20, 373:3, 373:4,

373:11, 374:11, 374:22, 382:10, 383:9, 384:24, 398:16, 399:16, 422:7, 432:3, 443:19, 482:8
somebody's - 310:11
someone - 289:14, 294:16, 294:24, 295:3, 299:4, 317:25, 319:8, 354:8, 357:16, 359:10, 368:20, 369:1, 371:14, 373:6, 374:6, 381:23, 383:14, 384:17, 437:1, 474:12, 477:17
something - 257:12, 274:20, 274:22, 281:8, 306:10, 310:14, 318:4, 318:5, 318:9, 319:24, 368:17, 369:3, 372:8, 372:23, 373:12, 373:24, 384:16, 385:2, 393:14, 398:1, 399:17, 400:25, 407:17, 407:19, 412:4, 417:1, 420:22, 435:2, 452:20, 456:12, 464:24, 466:2, 470:12, 482:10, 487:7
Something - 384:15
Sometime - 284:15
some time - 456:8
Sometimes - 275:11, 278:7, 278:17, 279:5, 279:11, 280:16, 289:18, 290:8, 293:6, 295:15, 299:12, 319:3, 320:9, 321:14, 323:1, 354:12, 356:9, 356:17, 360:20, 368:4, 368:6, 369:7, 369:12, 378:2, 378:6, 378:19, 400:23, 401:9, 407:23
sometimes - 276:12, 276:19, 277:9, 278:17, 279:6, 279:7, 284:3, 287:1, 288:4, 288:19, 289:6, 290:10, 295:16, 305:16, 308:10, 308:25, 309:14, 309:23, 310:1, 311:20, 315:18, 319:5, 320:10, 320:12, 321:5, 321:18, 355:23, 358:12, 359:2, 359:6, 360:20, 369:5, 369:7, 377:18, 377:19, 400:24, 401:2, 411:13, 412:13, 428:12, 435:21, 444:19
Somewhat - 353:19, 356:24, 467:1
somewhat - 310:7
somewhere - 456:11, 456:12, 470:22
son - 399:3, 450:12, 450:18, 451:9, 451:10, 451:11, 451:14, 455:20
Sonny - 352:1
soon - 395:13, 425:15, 436:16, 466:25
Sorry - 281:20, 291:2, 337:15, 363:5, 414:19, 473:12, 484:9, 484:22
sorry - 419:16, 422:23, 425:24, 428:11, 429:8, 432:4, 447:25, 448:1, 483:9
sort - 288:9, 288:13, 311:18, 353:18, 383:10, 385:19, 466:5, 482:12
sorts - 275:12, 289:4, 301:21, 305:1, 321:15, 322:21, 400:3, 465:3
soul - 431:2
Sounds - 381:8
sources - 278:18, 278:20, 284:15, 284:16
Southern - 270:11, 270:12, 270:14, 270:20, 371:5
span - 408:12
spanned - 380:8
spanning - 265:5
Sparks - 419:18
speak - 275:23, 355:2, 356:11, 366:6, 385:7, 401:5, 430:12, 450:6
speaking - 275:14, 276:19, 304:11, 355:12, 356:7, 371:7, 371:23
Special - 260:14
special - 448:13
specific - 322:16, 357:24, 460:20, 471:9, 471:21, 474:4, 474:17
specifically - 322:15, 467:12, 472:21
specificity - 470:18, 471:13, 472:11, 482:1
specifics - 467:6
speculate - 269:14
spell - 269:23, 387:13
spend - 265:13, 452:9
spent - 266:16, 266:17, 399:5
spilled - 430:25

spoken - 432:21
sponsored - 296:5
sponsors - 299:21
spontaneous - 305:12, 305:20
sports - 399:7, 406:13
spot - 416:19, 416:23
spots - 422:21
Squad - 271:25, 362:10
Sr - 447:7, 450:12, 450:14, 452:15, 459:2, 459:4, 459:5, 461:24, 462:12
Sss - 415:12
stabbed - 259:11
stack - 333:6
stage - 474:7
stages - 361:18
Stand - 294:25
stand - 254:14, 258:20, 258:22, 262:22, 275:18, 276:23, 286:6, 290:24, 294:24, 295:1, 326:22, 344:3, 425:7, 438:11, 491:4
stand-up - 294:24
Stand-up - 294:25
standard - 367:12, 377:23, 487:23
standards - 440:9
standing - 453:18
stands - 266:2
start - 264:14, 274:21, 286:11, 301:1, 323:25, 367:17, 395:13
started - 274:25, 341:20, 370:12, 377:13, 377:15, 395:20, 399:23, 409:7, 430:12, 476:11
starting - 290:5, 374:24
starts - 293:2, 358:13, 438:19
state - 352:24, 353:7, 353:11, 353:17, 355:14, 358:16, 361:24, 364:25, 373:6, 379:5, 379:8, 391:15, 391:16, 434:11
State - 269:23, 387:13
stated - 321:1
statement - 258:9
statements - 254:8, 254:10, 255:10
Staten - 329:12, 343:17, 414:21, 414:22
States - 252:1, 252:3, 252:10, 252:13, 260:9, 260:13, 260:16, 283:18, 284:3, 290:8, 393:9
stating - 302:18, 318:8, 375:1
status - 289:15, 383:14, 451:1, 473:24
statute - 255:6, 255:9, 255:18, 268:4, 268:6, 268:17
statutes - 357:19, 357:25
stay - 279:3, 383:3, 383:7, 384:17, 385:19, 385:21, 413:9, 456:13, 456:15, 456:22
stays - 432:22
Steakhouse - 419:18
steal - 368:5
stealing - 366:8
stenographer - 359:22
stenography - 252:25
step - 286:6, 405:17, 424:15
steps - 274:13, 274:16, 280:1, 301:23, 376:13
Steven - 254:6, 327:9, 336:11, 347:11, 349:6
Stevie - 347:11
stick - 400:12
stickers - 325:12
stickler - 437:20, 437:21
still - 276:14, 284:18, 297:19, 306:2, 313:19, 314:1, 314:6, 323:20, 362:20, 366:24, 369:17, 385:7, 391:10, 391:22, 421:8, 445:12, 446:5, 446:9, 447:3, 485:7
Still - 455:25
Stillwell - 471:1, 471:4, 472:13, 472:18
stocks - 433:17, 434:5
stolen - 283:2
stood - 432:20

stop - 293:12, 293:17, 397:4, 397:9, 480:24
stopped - 382:17, 396:19, 456:5, 480:21
storefront - 320:1
storefronts - 403:4
stories - 359:1, 359:3
story - 361:3
straight - 259:14
straighten - 422:19, 445:16
straightened - 287:20, 415:17, 422:13, 423:21, 426:13, 426:18, 426:22, 434:24, 442:8, 442:10, 451:23, 468:20, 469:4
straightforward - 486:9
street - 258:13, 259:15, 271:20, 276:23, 278:10, 279:4, 280:20, 287:5, 287:17, 288:17, 308:11, 309:1, 366:24, 395:25, 404:6, 404:18, 407:17, 407:19, 407:20, 418:9, 447:13, 447:20, 448:20, 449:20, 452:15, 455:18
Street - 252:17, 331:9, 407:21, 410:9, 410:10, 427:6, 427:7, 427:16, 427:20, 428:2, 447:10
stricken - 466:13
strictly - 310:9, 435:22, 446:2
strike - 466:12, 472:4
Strike - 466:20, 480:19
stringent - 423:23
stripped - 386:9, 386:11
strong - 374:13, 411:5
stronger - 446:24
struck - 259:24
structure - 260:23, 282:3, 282:5, 285:13, 286:6
stuff - 395:25, 400:5, 403:4, 407:21, 407:22, 411:12
stupid - 478:2
Subject - 334:16
subject - 311:18, 334:22
subjects - 344:11
submit - 269:5, 345:4
submitted - 404:1, 421:16
submitting - 421:20
substantial - 378:24
succeed - 425:20
successor - 290:10
such - 263:15, 278:2, 296:11, 371:14, 389:24, 403:3, 437:6, 441:14, 445:6, 466:10, 467:21, 476:11
sufficient - 489:16
Sufficient - 474:2
suggest - 256:5, 267:5, 268:18, 365:9, 488:24
suggested - 456:1
suggestion - 363:1
suggests - 261:6
suit - 342:11, 426:10, 426:14, 426:15, 426:17, 427:3, 427:6
Suite - 252:17
sum - 258:6
summer - 329:18
summoned - 303:20
sunglasses - 336:5
Sunglasses - 336:6
superior - 303:21, 313:25, 314:18, 318:5, 318:17, 373:4, 384:19, 436:5
superiors - 306:11
supervisor - 362:10
supervisors - 287:7
supply - 279:1, 279:4, 280:10
support - 269:7
suppose - 488:8
supposed - 299:10, 300:15, 300:16, 302:16, 303:13, 304:4, 304:19, 304:20, 306:5, 306:25, 307:6, 307:10, 307:17, 308:8, 309:6, 309:8, 309:24, 309:25, 311:8, 311:16, 312:20, 318:10, 318:18, 372:11, 393:24, 439:9, 443:4
suppression - 254:7

Sure - 286:13, 311:8, 328:8, 329:22, 366:11, 367:2, 378:15, 378:17, 379:9, 380:6, 407:6, 408:1, 441:6, 453:9
sure - 266:5, 285:16, 312:4, 340:7, 359:12, 367:6, 367:22, 371:24, 372:6, 372:15, 380:17, 385:25, 418:12, 426:9, 426:19, 460:24, 463:21, 471:24, 491:6, 491:13
surveillance - 276:6, 276:10, 277:8, 277:13, 277:25, 305:22, 320:15, 320:18, 320:22, 320:23, 320:24, 321:6, 321:19, 322:20, 323:4, 323:16, 323:20, 323:22, 323:25, 324:3, 324:24, 324:25, 325:5, 325:24, 326:24, 327:2, 327:13, 327:21, 328:8, 328:17, 329:11, 330:15, 330:22, 331:7, 331:16, 331:21, 332:8, 334:17, 335:1, 335:21, 336:1, 336:18, 337:11, 338:20, 338:25, 341:23, 343:16, 366:5, 376:21, 377:8, 377:9, 377:10, 377:14, 377:15, 377:17, 377:20, 378:20, 378:23, 379:2, 379:14, 379:21, 379:22, 380:5, 380:15, 380:22
surveillances - 276:20, 277:2, 277:21, 278:2, 278:5, 278:9, 278:13, 278:15, 304:24, 321:9, 323:12, 324:6, 325:18, 326:10, 333:14, 338:10, 340:11, 343:12, 363:4, 378:18, 379:7, 379:17
surveilled - 332:25, 340:9
suspected - 375:7, 449:19
Sustained - 446:13, 459:20, 466:20, 467:17, 468:16, 469:9, 480:10, 480:19, 481:21
Swear - 257:15
swearing - 354:5
sweater - 388:10
switch - 355:20
sworn - 257:17, 269:21, 387:11
syndicate - 284:7
system - 356:23

T

T - 376:1, 419:6, 478:7
table - 260:12, 300:2, 430:6, 430:8, 430:9, 430:12, 432:23, 439:4, 439:13, 439:17, 440:14, 440:16, 446:21
Take - 322:1, 322:2, 425:1, 425:3
take - 254:7, 254:14, 258:20, 260:11, 262:15, 262:22, 276:14, 280:1, 284:14, 292:22, 293:23, 300:6, 302:6, 302:7, 303:20, 309:23, 315:2, 322:21, 323:4, 324:17, 325:3, 329:21, 330:4, 330:5, 330:6, 330:8, 330:9, 333:8, 360:2, 361:25, 364:23, 376:12, 389:15, 399:21, 406:14, 406:17, 409:1, 411:12, 417:3, 417:11, 421:6, 422:2, 424:22, 424:23, 431:10, 436:14, 449:4, 449:5, 452:23, 456:2, 460:9, 464:10, 471:14, 471:17, 472:22, 482:11, 489:4, 489:14
taken - 274:13, 279:12, 301:16, 301:23, 310:13, 324:12, 325:1, 333:18, 336:12, 336:23, 339:12, 339:14, 340:15, 340:24, 341:6, 341:23, 342:15, 342:17, 343:4, 360:1, 360:9, 360:13, 377:10, 379:11, 380:2, 386:25, 408:21, 408:25, 411:9, 422:9, 425:4, 431:20, 476:8, 491:18
takes - 360:20, 449:3
Taking - 406:13
taking - 359:23, 359:25, 474:24
talk - 304:16, 306:8, 317:2, 317:4, 371:24, 383:11, 389:25, 412:2, 412:3, 412:4, 412:5, 414:24, 415:3, 419:15, 432:21, 434:3, 439:4, 440:5, 440:6, 444:14, 444:22, 446:19, 450:2, 452:21, 453:21, 459:5, 459:8, 467:19, 472:15, 472:19, 473:3, 474:24, 485:19, 485:20
Talk - 253:22
talked - 307:2, 317:14, 332:17,

368:17, 368:19, 370:1, 429:18, 469:11, 470:20, 472:15
talking - 278:9, 305:19, 356:14, 389:24, 412:12, 415:21, 433:1, 443:24, 470:6, 471:7, 472:18, 473:11, 486:20
Talking - 389:23
talks - 411:25, 412:3, 443:7, 452:23
Tambrino - 254:3
taming - 362:20
tampering - 454:23, 480:7, 480:13, 480:14, 480:16
tape - 357:7, 359:20, 478:4
tapped - 274:14
tapping - 275:20
taps - 414:24
target - 265:16
targeted - 378:9
task - 366:6
taught - 355:2, 366:19, 366:20
tax - 367:5, 367:8
taxes - 367:4
tea - 257:12
teacher - 253:4, 253:8
team - 178:17
Teamster - 413:9
Teamsters - 408:9, 413:4, 413:5, 413:21, 414:1
technically - 488:20
teens - 401:21, 405:4
telephone - 275:20, 275:25, 364:22
telephones - 273:21
Tell - 366:22, 414:12
tell - 261:16, 262:23, 263:17, 263:22, 265:9, 266:8, 266:11, 268:1, 268:21, 281:7, 281:18, 303:5, 363:19, 371:12, 399:17, 416:11, 426:10, 427:5, 437:3, 443:2, 444:6, 444:12, 444:15, 451:25, 455:3, 457:25, 458:6, 458:12, 459:18, 460:6, 460:17, 461:12, 461:14, 461:19, 462:16, 462:19, 463:25, 466:16, 468:13, 470:10, 470:15, 472:3, 472:11, 475:16, 491:9
telling - 264:19, 293:20, 306:4, 318:6, 361:1, 427:2, 474:20
tells - 258:2, 421:22, 432:11, 474:12, 482:9
temper - 395:6
temporarily - 309:22
temporary - 289:7, 383:25
ten - 322:2, 408:3, 408:12, 414:8, 425:1, 425:3, 430:8, 449:3, 475:12
Ten - 322:4
ten-year - 408:12
tend - 358:25
tendency - 371:24
term - 267:5, 271:4, 293:20, 294:13, 316:3, 316:7, 316:10, 317:2, 356:25, 373:2, 406:22, 449:2
terms - 282:15, 282:17, 287:15, 292:3, 315:19, 317:8, 317:11, 368:1, 380:12, 404:21, 426:20, 426:22, 426:24
test - 415:8
Testa - 335:8
testified - 254:6, 269:22, 277:20, 283:4, 283:9, 283:13, 288:23, 290:4, 295:3, 304:17, 305:23, 312:13, 319:18, 319:24, 320:15, 320:21, 324:21, 325:24, 341:18, 350:2, 353:10, 361:6, 361:9, 361:11, 362:4, 386:13, 386:24, 387:12, 394:8, 406:16, 413:4, 416:3, 420:14, 425:15, 429:11, 445:2, 447:15, 448:10, 448:22, 462:9, 463:22, 464:12, 464:16, 465:2, 476:3, 479:5, 480:11, 480:20, 482:4, 486:18, 487:13
testifies - 266:18, 266:20, 365:15
testify - 254:9, 254:14, 254:21, 258:20, 262:18, 263:5, 266:4, 266:9, 266:22, 280:13, 280:24, 283:15, 363:14, 363:19, 365:7, 365:16, 367:11, 367:14

testifying - 253:7, 263:4, 353:1, 353:8, 365:21
testimony - 266:6, 267:2, 267:5, 267:7, 322:11, 330:2, 344:8, 353:4, 353:17, 353:22, 354:4, 397:8, 480:14, 486:4, 486:11, 490:9
Texas - 382:14, 382:18, 382:20, 385:16, 385:17
than - 276:1, 288:20, 330:10, 345:7, 358:16, 361:3, 385:4, 399:4, 405:11, 422:20, 451:17, 451:18, 472:18, 478:13, 482:6, 484:7, 487:7
Thank - 264:10, 269:9, 269:11, 322:18, 329:6, 329:21, 331:6, 333:3, 338:16, 344:3, 345:7, 352:19, 358:3, 376:23, 386:1, 387:5, 490:12, 491:12
thank - 269:9, 487:10
thanksgiving - 264:14
Thanksgiving - 448:17
That - 259:22, 301:13, 303:12, 303:14, 304:21, 311:11, 321:2, 327:11, 330:20, 331:6, 331:14, 335:19, 338:18, 338:23, 339:13, 339:16, 340:14, 340:23, 341:5, 342:13, 343:15, 344:3, 359:12, 359:17, 366:9, 367:5, 371:23, 372:13, 372:23, 374:10, 384:20, 387:5, 389:5, 392:24, 394:4, 403:16, 412:22, 418:8, 425:23, 426:10, 427:10, 434:11, 434:18, 435:3, 443:20, 443:21, 454:20, 455:20, 466:18, 470:1, 482:6, 483:8, 486:8, 488:19
that - 253:5, 254:10, 254:16, 254:17, 254:24, 255:2, 255:4, 255:6, 255:10, 256:2, 256:3, 256:5, 256:7, 257:8, 257:24, 257:25, 258:3, 258:15, 258:24, 259:13, 260:17, 260:20, 261:8, 261:14, 261:23, 262:8, 262:9, 264:3, 264:5, 264:8, 264:19, 264:20, 264:21, 264:25, 265:10, 265:17, 265:19, 266:2, 266:6, 266:9, 266:11, 266:13, 266:20, 266:22, 267:13, 267:24, 267:25, 268:3, 268:4, 268:12, 268:15, 268:19, 268:20, 268:23, 269:3, 269:5, 269:6, 269:12, 269:17, 271:1, 271:15, 271:21, 272:4, 272:17, 272:24, 273:24, 273:25, 274:6, 274:11, 274:20, 274:22, 275:2, 275:4, 275:18, 275:21, 275:23, 275:25, 276:9, 277:11, 277:15, 278:5, 278:8, 278:25, 279:7, 279:12, 279:18, 279:23, 280:9, 280:17, 280:21, 280:23, 280:24, 281:2, 281:6, 281:8, 281:9, 281:17, 281:20, 282:8, 282:14, 282:19, 282:25, 284:14, 284:18, 285:3, 285:16, 285:18, 287:4, 287:9, 287:15, 288:2, 288:9, 288:15, 288:17, 288:25, 289:11, 289:12, 289:13, 289:25, 290:20, 291:5, 291:8, 291:11, 291:13, 292:3, 292:9, 292:10, 292:16, 292:17, 292:18, 292:22, 292:24, 293:8, 293:20, 293:25, 294:6, 294:7, 294:9, 294:10, 294:11, 294:17, 294:22, 294:25, 295:3, 295:4, 295:6, 295:7, 295:14, 295:17, 295:18, 296:5, 296:7, 296:12, 297:6, 297:7, 297:11, 297:17, 297:25, 298:7, 298:8, 298:13, 299:20, 300:8, 300:10, 301:4, 301:7, 301:10, 301:12, 301:14, 301:16, 302:5, 302:6, 302:20, 302:22, 303:2, 303:18, 304:5, 304:10, 304:13, 304:17, 304:18, 304:24, 305:6, 305:11, 305:13, 305:14, 305:23, 305:25, 306:8, 306:10, 306:15, 306:18, 307:2, 307:3, 307:9, 307:20, 307:21, 307:22, 308:9, 308:10, 308:12, 308:15, 308:22, 309:4, 309:19, 310:6, 310:13, 310:14, 311:2, 311:4, 311:5, 312:2, 312:3, 312:11, 312:14, 312:16, 312:23, 313:14, 313:15, 313:16, 313:19, 313:24, 314:3, 315:2, 315:23, 315:24, 316:10, 316:22, 317:8, 317:15, 317:18, 317:19, 317:20, 317:22, 317:24, 318:1, 318:12, 319:5, 319:13,

319:18, 319:25, 320:8, 320:11, 321:6,
321:7, 321:8, 321:17, 321:18, 323:18,
325:24, 326:1, 326:10, 327:2, 327:3,
329:4, 329:6, 329:7, 330:9, 332:16,
333:3, 333:7, 333:24, 334:25, 336:5,
337:1, 337:20, 338:16, 339:11, 340:3,
340:9, 341:18, 341:20, 341:25, 343:11,
345:10, 345:12, 353:4, 353:8, 354:4,
354:5, 354:18, 354:21, 355:2, 355:5,
355:24, 357:2, 357:5, 357:16, 357:18,
357:20, 357:21, 357:22, 357:24,
358:20, 358:23, 360:9, 360:22, 360:24,
360:25, 361:2, 361:4, 361:13, 361:24,
361:25, 362:2, 362:6, 362:18, 362:23,
362:25, 363:18, 365:2, 365:6, 365:14,
365:21, 365:23, 365:24, 366:1, 366:2,
366:3, 366:12, 366:18, 367:6, 367:11,
367:13, 367:19, 367:21, 368:2, 368:4,
368:8, 369:9, 369:12, 369:16, 369:21,
370:8, 370:11, 370:15, 371:6, 371:16,
371:23, 372:8, 372:14, 372:18, 373:6,
373:8, 373:11, 373:17, 373:18, 373:19,
373:22, 374:1, 374:9, 374:10, 374:13,
374:25, 375:3, 375:5, 375:7, 375:20,
377:10, 379:11, 379:17, 379:20,
379:24, 380:2, 380:7, 380:9, 380:10,
380:12, 380:19, 381:2, 381:9, 381:18,
381:24, 382:5, 382:10, 382:22, 383:16,
383:18, 384:12, 384:19, 384:20, 385:2,
385:16, 386:13, 386:16, 386:25,
389:18, 389:20, 389:23, 390:1, 390:17,
391:7, 391:12, 392:8, 392:25, 393:1,
393:3, 393:5, 393:14, 393:24, 394:8,
394:9, 394:12, 396:17, 397:8, 397:17,
398:11, 399:6, 399:13, 399:14, 399:18,
400:1, 400:16, 400:22, 401:1, 401:4,
401:10, 402:2, 402:5, 402:20, 402:22,
403:3, 403:4, 403:9, 403:14, 403:21,
404:2, 404:4, 404:5, 404:12, 404:13,
404:16, 404:19, 404:24, 405:5, 405:8,
405:13, 406:6, 406:17, 408:12, 408:18,
409:6, 409:21, 410:3, 410:17, 410:19,
410:23, 411:6, 411:7, 411:9, 412:8,
412:10, 412:11, 412:21, 412:23,
413:11, 414:6, 414:16, 415:4, 415:10,
415:13, 415:19, 416:6, 416:14, 416:19,
417:24, 417:25, 418:5, 418:9, 419:6,
419:13, 420:3, 420:8, 420:10, 420:14,
420:15, 420:18, 421:8, 421:18, 421:19,
422:7, 422:9, 423:4, 423:13, 423:18,
423:21, 424:8, 424:10, 424:21, 425:15,
425:18, 426:3, 426:6, 426:9, 426:11,
426:18, 426:19, 427:1, 427:2, 427:12,
427:18, 428:17, 428:20, 429:3, 429:6,
429:14, 430:11, 431:8, 431:10, 431:20,
431:24, 432:23, 433:4, 433:9, 434:23,
435:2, 435:5, 435:10, 435:16, 436:6,
437:12, 437:17, 437:18, 438:3, 438:8,
438:11, 438:23, 439:9, 439:20, 439:23,
440:11, 441:11, 441:15, 441:17,
441:18, 442:4, 442:11, 443:7, 443:20,
444:10, 444:12, 444:13, 444:14, 445:2,
445:3, 445:9, 446:2, 446:7, 446:20,
446:21, 448:7, 448:23, 448:25, 449:5,
449:6, 449:10, 449:17, 449:19, 449:23,
449:25, 450:6, 450:8, 450:16, 451:4,
451:25, 452:20, 453:14, 453:20,
453:25, 454:9, 454:16, 454:23, 454:25,
455:3, 455:5, 455:11, 456:7, 456:17,
457:4, 457:12, 457:18, 458:1, 458:7,
458:13, 458:15, 458:16, 459:20,
460:10, 460:25, 461:17, 462:2, 462:9,
462:17, 462:20, 463:8, 463:11, 463:15,
464:10, 464:22, 464:24, 465:2, 465:5,
465:9, 465:10, 466:2, 466:5, 466:10,
466:13, 466:14, 466:21, 466:24,
467:24, 468:2, 468:3, 468:8, 468:17,
469:14, 469:22, 470:1, 470:3, 470:7,
470:12, 471:17, 471:18, 471:20,
471:24, 472:2, 472:3, 472:4, 472:9,

472:15, 473:18, 473:19, 473:24, 474:5,
474:8, 474:12, 475:19, 475:24, 478:5,
478:7, 478:21, 479:12, 479:16, 480:4,
480:11, 480:14, 480:15, 480:16,
481:17, 481:21, 482:4, 482:5, 482:6,
482:9, 482:10, 482:11, 483:1, 483:6,
483:10, 483:11, 483:20, 484:2, 484:8,
484:14, 485:1, 485:2, 485:4, 485:15,
485:17, 486:11, 486:13, 486:14,
486:16, 486:17, 486:19, 487:3, 487:7,
487:12, 487:13, 487:14, 487:17,
487:18, 487:20, 488:4, 488:5, 488:7,
488:9, 488:12, 488:13, 488:21, 489:1,
489:17, 489:21, 490:1, 490:5, 490:6,
490:18, 490:20, 491:5, 491:6
that's - 255:12, 255:14, 256:9,
274:20, 279:6, 283:3, 287:19, 287:20,
288:7, 298:12, 314:14, 317:20, 342:21,
353:23, 354:5, 354:18, 356:17, 358:6,
368:7, 369:2, 369:23, 371:25, 372:6,
372:14, 372:15, 373:24, 377:13,
379:16, 383:8, 384:2, 384:24, 411:9,
424:15, 431:7, 433:25, 436:16, 439:15,
440:3, 446:2, 447:15, 466:5, 471:25,
474:13, 486:2, 487:23, 489:24, 490:6
That's - 256:13, 258:3, 272:14,
290:13, 293:20, 298:2, 309:22, 311:8,
316:6, 339:21, 348:5, 352:25, 354:17,
355:4, 358:24, 359:21, 359:24, 366:20,
367:17, 368:10, 369:11, 373:16, 374:4,
374:19, 379:15, 382:3, 382:13, 382:15,
383:20, 384:9, 385:10, 385:11, 385:25,
406:24, 409:4, 417:8, 426:18, 429:7,
431:11, 435:25, 438:14, 438:22, 443:4,
443:5, 444:3, 444:4, 444:5, 445:15,
447:25, 467:13, 469:13, 478:8, 479:2
The - 252:9, 253:3, 253:11, 253:12,
253:16, 253:19, 253:22, 254:2, 254:12,
255:4, 255:13, 255:20, 255:22, 256:6,
256:10, 256:13, 256:16, 256:24, 257:1,
257:5, 257:7, 257:8, 257:18, 258:5,
258:15, 258:19, 258:21, 259:7, 259:10,
259:11, 259:16, 259:19, 259:23, 260:2,
260:5, 260:19, 261:8, 261:23, 262:4,
262:12, 264:10, 264:12, 264:19, 266:2,
269:11, 269:19, 269:23, 269:24, 270:1,
284:1, 285:11, 285:18, 286:3, 286:10,
286:20, 286:21, 291:1, 293:19, 296:14,
300:15, 302:19, 303:7, 304:5, 307:20,
308:4, 308:24, 309:13, 310:20, 312:8,
313:11, 314:11, 318:1, 319:16, 321:22,
322:1, 322:4, 322:7, 322:9, 322:10,
322:13, 325:25, 326:8, 326:19, 327:6,
327:14, 327:22, 328:4, 328:11, 328:14,
328:20, 328:23, 328:24, 329:2, 329:6,
329:15, 329:17, 329:23, 330:17,
330:18, 330:25, 331:1, 331:3, 331:12,
331:17, 331:18, 331:19, 331:24,
331:25, 332:3, 332:4, 332:5, 332:9,
332:11, 332:14, 332:16, 334:14,
334:22, 334:24, 335:2, 335:4, 335:7,
335:12, 335:18, 335:23, 335:24, 336:2,
336:15, 336:16, 336:19, 336:20, 337:4,
337:6, 337:15, 337:16, 337:18, 337:19,
337:24, 337:25, 338:1, 338:3, 338:6,
338:7, 338:21, 338:22, 339:1, 339:2,
339:3, 339:4, 339:19, 339:23, 340:18,
341:1, 341:2, 341:13, 342:3, 342:4,
342:6, 342:7, 342:19, 342:20, 342:22,
342:24, 343:5, 343:7, 343:9, 343:15,
344:11, 344:23, 345:5, 346:1, 346:12,
350:12, 352:10, 352:14, 352:18, 354:4,
354:21, 357:2, 357:9, 357:12, 357:18,
358:13, 360:6, 360:11, 360:17, 360:24,
361:4, 361:8, 361:9, 361:13, 361:21,
362:2, 362:6, 362:18, 362:23, 363:14,
363:16, 365:6, 365:7, 365:9, 365:14,
365:19, 365:22, 367:21, 372:7, 374:1,
375:10, 375:13, 375:16, 375:24, 376:6,
376:8, 376:16, 376:22, 376:25, 377:12,

379:19, 379:20, 380:15, 384:18,
385:15, 386:9, 387:5, 387:7, 387:8,
387:13, 387:14, 387:17, 388:10,
388:12, 388:19, 389:5, 389:10, 389:22,
391:4, 391:13, 393:10, 394:16, 394:18,
405:24, 409:16, 410:9, 413:6, 413:23,
417:7, 419:2, 419:4, 422:4, 424:4,
424:15, 424:22, 425:1, 425:2, 425:3,
425:5, 425:6, 425:11, 425:14, 426:22,
430:2, 431:19, 432:7, 433:7, 436:4,
436:22, 437:15, 437:23, 439:20, 440:5,
441:23, 442:2, 442:4, 443:17, 444:18,
445:10, 445:15, 446:13, 447:10, 449:2,
453:7, 458:18, 459:13, 459:20, 460:8,
460:20, 461:16, 463:15, 464:3, 464:6,
464:8, 465:7, 466:13, 466:20, 467:13,
467:17, 468:16, 468:18, 468:19,
468:20, 468:22, 468:24, 469:1, 469:2,
469:3, 469:4, 469:6, 469:8, 469:9,
470:18, 471:4, 471:6, 471:7, 471:13,
471:20, 473:9, 473:10, 473:11, 473:12,
474:3, 474:15, 474:23, 475:4, 475:8,
476:2, 476:7, 479:4, 479:25, 480:4,
480:10, 480:19, 481:2, 481:17, 481:21,
482:1, 482:21, 482:23, 483:8, 483:10,
483:22, 484:1, 484:5, 484:16, 484:21,
484:23, 485:6, 485:11, 485:14, 486:1,
486:8, 486:16, 486:19, 486:25, 487:16,
488:5, 488:16, 488:19, 489:1, 489:4,
489:12, 489:14, 489:17, 489:18,
489:24, 490:14, 491:5, 491:10, 491:13,
491:17
the - 252:12, 252:17, 253:17, 253:22,
253:24, 254:2, 254:5, 254:6, 254:7,
254:9, 254:13, 254:14, 254:15, 254:16,
254:18, 254:21, 254:22, 254:23,
254:25, 255:3, 255:4, 255:5, 255:6,
255:8, 255:11, 255:22, 255:23, 256:2,
256:4, 256:16, 256:17, 256:18, 256:20,
257:3, 257:9, 257:15, 257:20, 257:21,
257:23, 258:1, 258:4, 258:5, 258:6,
258:8, 258:9, 258:13, 258:15, 258:17,
258:20, 258:21, 258:22, 258:24,
258:25, 259:2, 259:3, 259:4, 259:5,
259:9, 259:11, 259:14, 259:17, 259:18,
259:20, 259:24, 259:25, 260:1, 260:3,
260:4, 260:10, 260:11, 260:14, 260:16,
260:17, 260:18, 260:23, 260:24,
260:25, 261:1, 261:2, 261:3, 261:5,
261:6, 261:7, 261:8, 261:10, 261:11,
261:12, 261:15, 261:19, 261:22,
261:23, 261:24, 261:25, 262:4, 262:6,
262:7, 262:12, 262:15, 262:16, 262:19,
262:20, 262:22, 262:23, 262:24, 263:1,
263:8, 263:9, 263:14, 263:15, 263:16,
263:18, 263:22, 263:24, 264:1, 264:2,
264:3, 264:5, 264:6, 264:7, 264:8,
264:9, 264:17, 264:20, 264:24, 264:25,
265:5, 265:13, 265:14, 265:16, 265:17,
265:20, 265:21, 265:23, 265:25, 266:2,
266:8, 266:12, 266:18, 266:24, 266:25,
267:5, 267:12, 267:13, 267:14, 267:15,
267:17, 267:18, 267:19, 267:21,
267:22, 267:23, 268:1, 268:4, 268:7,
268:8, 268:17, 268:23, 269:3, 269:5,
269:6, 269:7, 269:14, 270:10, 270:12,
270:14, 270:20, 270:23, 271:1, 271:6,
271:8, 271:11, 271:14, 271:18, 271:20,
271:23, 271:24, 272:1, 272:7, 272:8,
272:9, 272:15, 272:17, 272:20, 272:21,
272:23, 272:25, 273:2, 273:3, 273:7,
273:13, 274:2, 274:4, 274:8, 274:10,
274:22, 274:23, 275:1, 275:4, 275:5,
275:6, 275:14, 275:17, 275:18, 275:25,
276:1, 276:6, 276:15, 276:23, 276:24,
277:1, 277:2, 277:7, 277:12, 277:25,
278:5, 278:7, 278:9, 278:10, 278:12,
278:20, 278:21, 279:2, 279:4, 279:8,
280:6, 280:13, 280:18, 280:20, 280:25,
281:6, 281:7, 281:8, 281:19, 281:22,

281:25, 282:5, 282:19, 282:24, 283:11,
283:12, 283:16, 283:17, 283:18,
283:20, 283:23, 284:3, 284:7, 284:8,
284:9, 284:15, 284:16, 284:17, 284:18,
284:20, 284:22, 284:23, 284:25, 285:7,
285:12, 285:13, 285:25, 286:5, 286:6,
286:7, 286:11, 286:12, 286:16, 286:18,
286:19, 286:21, 286:22, 286:24,
286:25, 287:1, 287:3, 287:4, 287:5,
287:6, 287:8, 287:9, 287:12, 287:13,
287:15, 287:17, 287:20, 287:23,
287:25, 288:7, 288:8, 288:17, 288:23,
289:10, 289:11, 289:12, 289:18, 290:2,
290:3, 290:4, 290:5, 290:7, 290:8,
290:10, 290:11, 290:12, 290:13,
290:18, 290:20, 290:24, 291:1, 291:4,
291:5, 291:6, 291:7, 291:10, 291:12,
291:13, 291:16, 291:21, 291:24,
291:25, 292:1, 292:2, 292:13, 292:15,
292:19, 293:22, 293:23, 293:24,
293:25, 294:11, 294:22, 294:23,
294:25, 295:1, 295:15, 295:16, 295:17,
296:12, 296:16, 297:6, 297:7, 297:8,
297:11, 297:12, 297:18, 297:21, 298:3,
298:5, 298:9, 298:11, 298:12, 298:13,
298:23, 298:24, 299:1, 299:2, 299:17,
299:18, 299:20, 299:21, 299:23,
299:24, 300:4, 300:7, 300:8, 300:9,
300:10, 300:12, 300:19, 300:21,
300:22, 300:23, 300:24, 300:25, 301:1,
301:5, 301:6, 301:7, 301:9, 301:10,
301:11, 301:14, 301:20, 301:21,
301:22, 301:24, 302:6, 302:12, 302:14,
302:18, 302:21, 303:2, 303:3, 303:5,
303:6, 303:9, 303:18, 303:19, 303:22,
304:18, 305:13, 305:17, 305:21, 306:1,
306:23, 307:10, 307:12, 307:15,
307:19, 307:20, 308:8, 308:11, 308:12,
309:1, 309:4, 309:12, 309:14, 309:15,
309:16, 309:18, 309:19, 310:6, 310:9,
310:10, 310:11, 310:12, 311:4, 311:10,
311:12, 311:15, 312:5, 312:9, 312:10,
312:11, 312:13, 312:24, 313:1, 313:3,
313:18, 313:24, 314:8, 314:19, 314:21,
314:25, 315:2, 315:7, 315:9, 315:12,
315:13, 315:25, 316:3, 316:7, 316:10,
316:19, 316:20, 316:21, 316:22,
316:23, 316:25, 317:2, 317:12, 318:17,
318:19, 319:3, 319:18, 319:19, 320:4,
320:5, 320:6, 320:10, 320:13, 320:19,
320:22, 321:3, 321:25, 322:11, 322:13,
322:22, 323:15, 323:18, 323:23, 324:3,
324:5, 324:10, 325:3, 325:8, 325:12,
325:14, 325:16, 325:17, 325:20,
325:25, 326:3, 326:6, 326:7, 326:9,
326:12, 326:14, 326:21, 326:22,
326:23, 326:24, 326:25, 327:4, 327:5,
327:7, 327:9, 327:12, 327:14, 327:17,
327:19, 327:21, 328:7, 328:9, 328:15,
328:18, 328:23, 329:3, 329:4, 329:7,
329:8, 329:12, 329:18, 329:20, 330:1,
330:2, 330:4, 330:9, 330:15, 330:20,
330:23, 331:2, 331:3, 331:4, 331:8,
331:11, 331:17, 331:22, 332:3, 332:5,
332:6, 332:9, 332:13, 332:17, 332:19,
332:21, 332:22, 332:23, 332:25, 333:2,
333:4, 333:20, 333:24, 333:25, 334:1,
334:3, 334:6, 334:9, 334:12, 334:17,
334:18, 334:19, 334:20, 334:22,
334:23, 334:24, 335:1, 335:7, 335:9,
335:13, 335:17, 335:21, 335:22, 336:1,
336:2, 336:5, 336:6, 336:13, 336:19,
336:24, 337:1, 337:8, 337:13, 337:17,
338:3, 338:4, 338:9, 338:11, 338:12,
338:19, 338:20, 338:23, 338:25, 339:4,
339:5, 339:6, 339:12, 339:15, 339:16,
339:20, 339:21, 339:24, 339:25, 340:2,
340:4, 340:8, 340:9, 340:13, 340:16,
340:17, 340:20, 340:24, 341:3, 341:6,
341:10, 341:14, 341:17, 341:19,

341:23, 342:2, 342:8, 342:10, 342:11,
342:13, 342:18, 342:20, 342:23,
342:24, 343:1, 343:2, 343:5, 343:11,
343:12, 343:17, 343:19, 344:3, 344:16,
344:18, 344:25, 345:1, 345:3, 345:4,
345:7, 345:8, 345:9, 346:3, 347:13,
350:2, 351:20, 352:8, 353:2, 353:8,
353:14, 353:17, 353:22, 353:23,
353:24, 354:10, 354:15, 354:17,
354:20, 354:21, 354:22, 354:23, 355:1,
355:5, 355:6, 355:13, 355:17, 355:18,
355:21, 356:14, 356:22, 356:23,
356:25, 357:2, 357:3, 357:14, 357:16,
357:18, 357:20, 357:21, 357:22,
357:23, 357:24, 357:25, 358:1, 358:6,
358:10, 358:11, 358:12, 358:20, 359:4,
359:22, 360:3, 360:7, 360:8, 360:9,
360:10, 360:11, 360:18, 360:20, 361:1,
361:8, 361:9, 361:11, 361:12, 361:17,
361:20, 362:4, 362:7, 362:10, 362:12,
362:13, 362:19, 362:24, 362:25, 363:7,
363:11, 363:18, 365:6, 365:10, 365:14,
365:16, 365:18, 365:20, 365:23,
365:25, 366:2, 366:4, 366:17, 366:18,
366:23, 366:24, 367:1, 367:8, 367:14,
367:16, 367:17, 367:18, 367:22,
367:24, 367:25, 368:1, 368:7, 368:9,
368:11, 368:21, 368:23, 369:3, 369:8,
369:17, 370:1, 370:9, 370:12, 370:13,
370:14, 370:15, 370:19, 370:22, 371:3,
371:4, 371:5, 371:12, 371:18, 371:19,
371:20, 371:22, 371:25, 372:4, 372:5,
372:10, 372:11, 372:15, 372:18,
372:19, 372:21, 372:25, 373:2, 373:4,
373:7, 373:9, 373:13, 373:15, 373:21,
374:2, 374:3, 374:5, 374:7, 374:13,
374:15, 374:16, 374:17, 375:7, 375:8,
375:14, 375:17, 375:18, 375:19,
375:20, 375:21, 376:3, 376:4, 376:8,
376:10, 376:11, 376:12, 376:13,
376:15, 376:18, 376:21, 377:6, 377:9,
377:10, 377:13, 377:15, 377:16,
377:20, 378:1, 378:16, 378:20, 378:21,
378:23, 379:2, 379:5, 379:16, 379:17,
379:20, 379:22, 379:23, 380:3, 380:7,
380:8, 380:12, 380:17, 381:2, 381:3,
381:5, 381:11, 381:19, 381:20, 381:21,
381:24, 381:25, 382:1, 382:7, 382:15,
382:22, 382:25, 383:2, 383:3, 383:13,
383:14, 383:18, 383:21, 383:24, 384:2,
384:12, 384:20, 384:25, 385:3, 385:10,
385:11, 385:13, 385:16, 385:17,
385:19, 385:20, 386:13, 386:22,
386:24, 387:2, 387:25, 388:2, 388:4,
388:5, 388:10, 388:11, 388:13, 388:16,
388:21, 388:23, 388:24, 389:5, 389:6,
389:16, 389:25, 390:5, 390:7, 390:17,
390:23, 391:3, 391:5, 391:7, 391:10,
391:12, 391:15, 392:6, 392:10, 392:12,
392:18, 392:19, 392:21, 392:25, 393:2,
393:3, 393:4, 393:8, 393:9, 393:10,
393:11, 393:13, 393:17, 393:21,
393:23, 393:24, 394:3, 394:4, 394:5,
394:8, 394:15, 394:19, 394:21, 395:1,
395:8, 395:22, 395:24, 395:25, 396:1,
396:2, 396:4, 396:14, 396:15, 396:16,
396:19, 396:23, 397:1, 397:8, 397:11,
397:12, 397:14, 397:20, 397:23,
397:24, 398:6, 398:8, 399:8, 399:14,
399:18, 400:12, 400:23, 401:12, 402:1,
402:8, 402:9, 402:12, 402:14, 402:16,
402:19, 403:9, 403:25, 404:1, 404:3,
404:5, 404:6, 404:7, 404:11, 404:13,
404:18, 404:22, 405:5, 405:17, 406:1,
406:10, 406:14, 406:16, 406:19,
406:22, 406:24, 406:25, 407:9, 407:13,
407:15, 407:17, 407:18, 407:19,
407:22, 407:24, 408:2, 408:3, 408:9,
408:17, 409:6, 409:11, 410:2, 410:16,
410:17, 410:19, 411:5, 411:9, 411:10,

411:11, 411:12, 411:17, 411:20,
411:22, 411:23, 411:25, 412:1, 412:4,
412:11, 412:16, 412:19, 412:21, 413:4,
413:5, 413:10, 413:11, 413:12, 413:14,
413:15, 413:21, 413:25, 414:1, 414:8,
414:12, 414:15, 414:24, 415:4, 415:5,
415:15, 415:23, 416:3, 416:4, 416:7,
416:9, 416:11, 416:15, 416:16, 416:22,
416:23, 416:24, 416:25, 417:1, 417:2,
417:13, 418:2, 418:4, 418:5, 418:6,
418:7, 418:8, 418:9, 418:10, 418:11,
418:17, 418:23, 419:10, 419:12,
419:15, 419:19, 419:24, 420:5, 420:15,
420:22, 420:23, 420:25, 421:3, 421:6,
421:16, 421:18, 421:19, 421:20,
421:21, 421:24, 422:1, 422:2, 422:3,
422:4, 422:11, 422:18, 422:19, 422:25,
423:6, 423:7, 423:9, 424:4, 424:5,
424:10, 424:13, 424:15, 424:20, 425:2,
425:5, 425:7, 425:16, 425:17, 425:20,
426:1, 426:4, 426:9, 426:10, 426:12,
426:15, 426:18, 426:20, 426:24, 427:8,
427:9, 427:11, 427:14, 427:18, 427:19,
427:22, 428:4, 428:6, 428:7, 428:8,
428:13, 428:19, 428:24, 429:8, 429:16,
429:17, 429:18, 429:20, 429:22,
429:23, 429:24, 430:1, 430:3, 430:5,
430:7, 430:8, 430:9, 430:11, 430:24,
430:25, 431:2, 431:3, 431:15, 431:16,
432:3, 432:4, 432:10, 432:13, 432:15,
432:16, 432:18, 432:19, 432:21,
432:23, 432:24, 432:25, 433:3, 433:6,
433:9, 434:1, 434:3, 434:4, 434:6,
434:8, 434:10, 434:11, 434:13, 434:20,
434:25, 435:3, 435:7, 435:20, 435:22,
435:23, 435:24, 436:1, 436:6, 436:8,
436:11, 436:14, 436:15, 436:16,
436:20, 436:22, 436:23, 436:25,
437:10, 437:15, 437:20, 437:21,
437:24, 438:5, 438:6, 438:8, 438:25,
439:2, 439:3, 439:4, 439:9, 439:11,
439:12, 439:13, 439:14, 439:16,
439:17, 439:21, 439:24, 439:25, 440:3,
440:4, 440:6, 440:7, 440:8, 440:11,
440:14, 440:16, 440:17, 440:18,
440:21, 440:23, 440:25, 441:2, 441:8,
441:12, 441:13, 441:14, 441:15, 442:1,
442:5, 442:11, 443:6, 443:10, 443:19,
444:3, 444:4, 444:5, 444:8, 444:13,
444:23, 445:2, 445:3, 445:8, 445:12,
445:13, 445:15, 445:18, 445:25, 446:5,
446:8, 446:11, 446:14, 446:18, 446:19,
446:24, 446:25, 447:4, 447:5, 447:6,
447:13, 447:15, 447:18, 447:20,
447:22, 448:1, 448:3, 448:10, 448:13,
448:14, 448:15, 448:18, 448:20,
448:25, 449:1, 449:2, 449:4, 449:7,
449:9, 449:10, 449:13, 449:14, 449:18,
449:19, 449:20, 450:1, 450:3, 450:4,
450:8, 450:9, 450:11, 450:12, 450:20,
451:1, 451:16, 451:18, 451:19, 451:20,
451:22, 452:2, 452:5, 452:9, 452:15,
453:1, 453:12, 453:18, 454:6, 454:11,
454:12, 454:15, 454:16, 454:19,
454:20, 455:5, 455:6, 455:18, 455:23,
456:17, 457:6, 457:22, 458:3, 458:9,
459:5, 459:8, 459:14, 459:16, 459:22,
460:3, 460:14, 460:16, 460:17, 460:21,
460:22, 461:1, 461:3, 461:9, 461:12,
461:18, 461:21, 461:22, 462:6, 462:8,
462:9, 462:10, 462:14, 462:22, 463:12,
463:13, 463:18, 463:23, 463:25, 464:3,
464:9, 464:12, 464:14, 464:16, 464:22,
464:25, 465:3, 465:4, 465:10, 466:5,
466:7, 466:11, 466:16, 466:21, 466:22,
466:24, 466:25, 467:6, 467:8, 467:15,
467:18, 468:1, 468:5, 468:10, 468:13,
468:17, 469:6, 469:7, 469:11, 469:15,
469:19, 469:20, 469:21, 470:2, 470:6,
470:13, 470:15, 470:21, 470:23,

470:25, 471:13, 471:17, 471:18,
471:21, 471:23, 471:24, 472:3, 472:5,
472:6, 472:7, 473:7, 473:17, 473:18,
473:20, 473:21, 473:24, 473:25, 474:4,
474:5, 474:10, 474:11, 474:17, 474:21,
474:23, 474:25, 475:5, 475:9, 475:12,
475:16, 475:19, 475:20, 475:22, 476:2,
476:3, 476:8, 476:10, 476:12, 476:14,
476:16, 476:17, 476:20, 476:22,
476:25, 477:4, 477:9, 477:13, 477:14,
477:15, 477:20, 477:22, 477:23, 478:2,
478:3, 478:9, 478:12, 478:14, 478:16,
478:19, 478:24, 479:2, 479:5, 479:8,
479:13, 479:25, 480:6, 480:15, 480:16,
480:20, 480:25, 481:11, 481:12,
481:13, 481:14, 481:19, 481:22,
481:23, 481:24, 482:2, 482:3, 482:9,
482:13, 482:15, 482:16, 482:19,
482:24, 483:1, 483:4, 483:7, 483:11,
483:12, 483:14, 483:17, 483:18,
483:22, 483:24, 484:2, 484:4, 484:7,
484:11, 484:12, 484:13, 484:17,
484:18, 484:24, 484:25, 485:3, 485:11,
485:13, 485:16, 485:19, 486:4, 486:6,
486:7, 486:12, 486:13, 486:15, 486:24,
487:2, 487:3, 487:4, 487:10, 487:12,
487:13, 487:15, 487:22, 487:23,
487:24, 487:25, 488:1, 488:2, 488:3,
488:5, 488:9, 488:12, 488:13, 488:14,
488:17, 488:18, 488:20, 488:21,
489:15, 489:18, 489:20, 489:23, 490:3,
490:18, 490:20, 490:21, 490:22,
490:24, 490:25, 491:1, 491:4, 491:6,
491:8

their - 263:8, 265:6, 265:13, 266:6,
266:19, 267:1, 267:2, 267:7, 277:6,
280:15, 280:22, 287:7, 288:14, 289:1,
289:14, 289:17, 295:7, 297:23, 298:9,
300:3, 300:16, 300:17, 300:25, 308:11,
308:25, 311:3, 311:7, 315:25, 316:1,
323:8, 325:13, 355:3, 355:24, 355:25,
356:11, 358:4, 358:5, 358:25, 359:6,
361:18, 365:3, 365:17, 367:4, 367:8,
368:5, 368:23, 369:9, 369:23, 372:12,
373:5, 384:7, 384:24, 385:10, 386:16,
396:20, 422:20, 424:16, 434:10,
439:19, 445:14, 453:13, 459:25

them - 253:25, 255:12, 255:15,
256:22, 256:24, 257:24, 260:14,
262:19, 265:12, 267:16, 279:13,
279:19, 283:3, 290:21, 293:21, 302:9,
302:15, 302:20, 304:4, 304:22, 304:23,
308:2, 308:10, 311:11, 316:1, 316:20,
317:23, 318:2, 318:6, 318:8, 318:14,
323:7, 323:10, 324:18, 325:4, 325:8,
325:13, 326:11, 330:11, 330:12,
333:20, 333:25, 334:21, 337:23,
338:12, 344:11, 345:9, 354:24, 356:13,
358:6, 362:20, 362:21, 366:21, 366:22,
368:2, 368:3, 368:16, 368:25, 376:14,
379:25, 382:17, 383:10, 384:3, 385:23,
385:24, 394:24, 394:25, 398:3, 403:10,
406:15, 412:14, 417:1, 420:24, 422:2,
422:3, 422:4, 431:14, 439:2, 439:3,
441:18, 441:19, 444:4, 444:6, 444:7,
446:22, 447:9, 452:9, 475:10, 475:19,
475:24, 478:3, 478:4, 478:24, 478:25,
491:9

themselves - 276:5, 282:15, 283:21,
287:19, 309:12, 310:23, 311:15, 312:3,
370:13, 373:24, 382:22, 383:19, 387:1

then - 272:6, 281:8, 288:10, 296:13,
298:13, 321:25, 369:16, 375:5, 375:8,
380:16, 384:5, 404:2, 405:18, 405:19,
410:17, 411:24, 422:4, 422:9, 428:3,
430:25, 432:14, 434:16, 435:7, 441:3,
444:13, 446:16, 449:4, 449:7, 462:1,
471:20, 488:3

Then - 300:1, 300:6, 300:12, 300:23,
337:21, 399:18, 409:8, 422:9, 422:13,

436:1, 439:14, 481:11, 489:4

There - 265:10, 278:4, 288:9, 293:19,
302:17, 303:23, 306:2, 306:9, 308:8,
309:10, 314:2, 320:8, 337:16, 345:6,
366:3, 370:16, 371:16, 371:25, 372:16,
376:13, 379:3, 379:7, 380:19, 382:22,
418:6, 423:4, 423:20, 428:5, 429:23,
429:25, 434:7, 435:17, 437:7, 438:3,
485:7

there - 255:8, 262:22, 268:3, 268:6,
272:2, 275:10, 275:20, 276:12, 278:6,
279:12, 280:16, 288:19, 288:25,
289:23, 291:3, 291:4, 291:10, 292:3,
292:19, 293:12, 294:1, 294:9, 295:21,
295:24, 296:7, 296:11, 298:15, 298:20,
299:4, 299:22, 299:25, 300:2, 301:20,
301:25, 302:11, 304:8, 304:25, 305:19,
307:17, 307:21, 309:16, 311:23, 313:7,
316:15, 317:8, 320:10, 321:12, 335:15,
336:6, 342:10, 358:13, 359:22, 361:23,
367:17, 368:7, 368:8, 370:1, 370:2,
370:20, 372:2, 372:25, 373:11, 377:17,
377:23, 379:4, 379:10, 380:2, 381:5,
381:9, 384:5, 384:17, 393:2, 393:19,
396:17, 397:6, 401:3, 403:9, 403:18,
411:1, 411:23, 411:24, 412:23, 422:15,
423:18, 426:14, 427:17, 428:9, 428:12,
430:5, 430:6, 430:7, 431:18, 431:22,
433:22, 433:23, 434:16, 434:21, 435:2,
435:14, 435:18, 437:24, 438:1, 438:2,
438:3, 438:15, 438:23, 439:22, 440:19,
441:9, 442:8, 447:20, 447:22, 447:24,
448:2, 448:8, 448:13, 449:17, 449:21,
449:22, 450:2, 451:16, 452:13, 452:16,
454:11, 454:18, 456:4, 457:9, 467:21,
473:6, 473:14, 474:24, 475:21, 477:5,
480:7, 480:21, 482:4, 490:15

There's - 254:5, 255:24, 278:1,
314:14, 357:11, 359:22, 369:1, 370:6,
372:20, 373:21, 376:16, 380:9, 420:22
there's - 274:7, 277:16, 281:4,
288:10, 290:6, 299:19, 302:6, 306:13,
313:10, 316:18, 319:9, 337:22, 360:22,
370:8, 371:19, 374:25, 381:18, 385:2,
400:25, 411:9, 422:5, 445:16, 452:21,
452:22

therein - 305:15

these - 262:13, 263:3, 263:7, 263:9,
264:18, 265:3, 265:4, 265:8, 265:11,
266:7, 266:17, 267:3, 267:7, 268:16,
272:19, 276:16, 281:6, 291:11, 299:15,
302:14, 303:2, 304:16, 321:20, 322:15,
322:21, 333:18, 334:20, 338:9, 338:11,
339:5, 339:10, 339:11, 340:2, 340:11,
340:21, 352:11, 354:22, 355:14,
355:20, 357:10, 358:4, 363:19, 364:23,
364:25, 365:2, 366:5, 372:16, 378:18,
379:11, 403:7, 414:8, 429:22, 430:14,
430:15, 431:1, 433:7, 435:18, 437:18,
438:10, 452:17, 460:9, 486:20, 487:7,
487:25, 488:9, 490:1

These - 260:25, 262:18, 262:25,
332:8, 359:18, 365:12, 367:3, 382:24,
403:2

they - 255:18, 258:9, 261:4, 262:11,
262:19, 262:20, 262:23, 262:24, 263:5,
263:17, 263:23, 264:20, 265:5, 265:14,
265:15, 266:3, 266:4, 266:5, 266:25,
267:7, 274:5, 274:21, 274:22, 274:25,
275:9, 275:15, 275:23, 275:24, 276:5,
276:20, 279:6, 280:11, 280:12, 280:16,
280:17, 281:1, 281:5, 281:6, 281:7,
281:9, 281:17, 282:20, 284:6, 284:8,
285:13, 288:11, 288:13, 289:12,
289:14, 289:17, 289:21, 290:7, 291:21,
291:22, 291:25, 293:4, 293:21, 293:23,
294:5, 294:6, 294:17, 295:16, 295:17,
296:16, 297:18, 297:19, 299:1, 299:13,
299:22, 299:25, 300:1, 300:6, 300:7,
300:8, 300:9, 300:24, 301:1, 301:7,

301:8, 301:22, 302:14, 302:19, 302:20,
303:6, 303:24, 306:9, 306:17, 306:19,
307:17, 307:24, 308:2, 308:5, 308:6,
308:7, 308:9, 308:10, 309:22, 310:11,
310:12, 311:8, 311:12, 311:13, 311:15,
311:16, 311:18, 311:19, 311:20,
311:22, 311:23, 312:23, 312:24,
313:15, 313:17, 313:18, 313:19,
313:23, 314:4, 314:6, 315:18, 316:19,
319:5, 324:23, 333:13, 344:10, 355:1,
355:2, 355:5, 355:21, 356:2, 356:3,
356:6, 356:11, 356:16, 356:17, 358:5,
359:6, 359:10, 359:18, 362:13, 365:17,
366:21, 367:8, 367:13, 367:16, 367:17,
367:19, 367:21, 367:25, 368:1, 368:22,
368:24, 369:9, 369:12, 369:15, 369:16,
371:13, 371:18, 371:21, 372:3, 372:4,
373:8, 373:24, 374:1, 374:5, 378:25,
382:2, 382:6, 382:15, 382:16, 382:17,
382:23, 383:13, 384:5, 384:7, 384:13,
384:15, 385:2, 385:4, 385:7, 385:9,
385:10, 385:11, 385:16, 393:1, 393:12,
396:4, 396:14, 396:16, 399:16, 400:17,
403:3, 404:12, 404:13, 406:14, 406:15,
407:17, 408:17, 408:18, 409:24, 410:8,
411:8, 411:11, 411:12, 411:24, 412:4,
412:5, 412:10, 412:13, 412:17, 415:7,
416:18, 416:25, 419:21, 422:1, 422:2,
422:5, 422:17, 430:1, 431:15, 433:9,
433:23, 434:18, 434:19, 436:16, 437:3,
438:17, 438:25, 439:16, 439:17, 440:4,
440:8, 440:18, 440:21, 443:13, 443:20,
444:12, 444:14, 444:19, 444:21,
444:25, 445:1, 445:14, 445:15, 445:20,
445:21, 446:9, 449:4, 449:13, 454:17,
458:20, 465:3, 473:9, 474:24, 474:25,
482:10, 486:21, 487:25, 490:20

They - 262:22, 263:5, 264:24, 266:4,
266:23, 266:25, 275:8, 279:3, 279:4,
280:21, 286:19, 287:4, 287:6, 288:9,
293:22, 293:24, 299:23, 299:24, 300:2,
300:5, 303:22, 305:4, 306:21, 307:17,
311:3, 311:10, 311:19, 311:22, 321:16,
333:14, 339:12, 355:9, 355:17, 355:24,
356:8, 359:3, 366:4, 368:14, 368:16,
370:12, 371:16, 372:12, 372:18,
372:25, 382:8, 382:16, 382:17, 382:25,
383:24, 385:5, 385:13, 392:21, 400:17,
400:18, 408:16, 410:2, 415:8, 416:18,
416:21, 422:19, 423:22, 433:7, 434:10,
434:16, 434:17, 435:6, 439:13, 444:6,
446:22, 447:1, 449:12, 450:2, 454:6,
458:24, 461:20, 475:17, 475:19, 482:11

They'll - 276:3, 368:5, 373:5

they'll - 276:4, 288:20

They're - 356:19, 356:20, 366:20,
368:21, 369:17, 369:21, 370:21
they're - 297:18, 299:25, 300:3,
306:4, 312:11, 312:22, 314:3, 315:18,
317:21, 317:23, 319:11, 354:24, 355:7,
355:25, 356:8, 356:10, 356:21, 359:20,
362:20, 366:24, 367:11, 367:14,
367:17, 367:18, 367:25, 369:11,
369:13, 369:23, 373:9, 374:24, 444:16

They've - 301:6, 301:23

thieves - 266:3

thin - 474:7

thing - 268:25, 277:7, 284:1, 284:2,
290:15, 294:22, 294:25, 296:14, 318:1,
332:16, 373:15, 397:18, 424:15, 445:6,
489:20

things - 275:17, 308:7, 308:13,
320:11, 354:11, 361:1, 379:3, 395:22,
399:13, 401:4, 404:18, 406:6, 426:25,
434:9, 437:12, 440:19, 443:23, 444:14,
446:22, 449:6, 451:4, 452:10, 454:20,
465:1, 478:2

Things - 404:24

think - 255:10, 255:18, 256:4, 256:12,
257:1, 257:25, 258:9, 296:12, 306:10,

361:1, 361:7, 380:9, 381:5, 395:17,
405:14, 415:8, 433:20, 463:3, 471:1,
474:5, 485:6, 486:25, 487:2, 487:3,
487:12, 487:23, 488:3, 488:10, 489:20
thinking - 474:6
Third - 328:2, 339:20
third - 302:5, 328:14, 328:23, 335:7,
342:4, 342:25, 430:2, 441:17
third-party - 441:17
thirty - 264:6, 264:20, 264:25, 265:8,
283:8, 290:21, 379:14, 379:24
thirty-odd - 265:8
thirty-two - 264:20, 264:25
this - 253:7, 253:8, 254:19, 255:1,
255:9, 255:17, 256:3, 256:4, 256:6,
256:23, 257:1, 257:19, 257:23, 259:4,
259:6, 260:16, 260:17, 260:23, 262:5,
264:4, 264:15, 264:16, 265:12, 266:1,
266:3, 266:9, 266:22, 267:4, 267:10,
267:11, 267:24, 268:1, 268:4, 268:18,
268:20, 268:25, 269:2, 269:10, 269:13,
269:15, 283:4, 283:13, 290:22, 298:7,
300:14, 300:16, 300:17, 322:11,
322:14, 327:20, 329:23, 332:24, 334:4,
334:11, 335:6, 335:15, 338:10, 338:13,
339:22, 340:3, 341:17, 341:19, 341:20,
342:10, 343:11, 352:16, 353:2, 357:9,
358:16, 358:20, 360:6, 360:8, 360:11,
361:5, 361:13, 361:15, 361:21, 361:22,
363:2, 363:8, 363:16, 365:2, 365:10,
365:16, 366:24, 368:2, 369:3, 370:24,
379:13, 383:9, 383:19, 390:4, 402:25,
405:3, 407:11, 416:17, 416:18, 416:21,
417:3, 418:25, 421:11, 422:6, 430:25,
431:3, 431:8, 431:18, 432:22, 434:9,
434:13, 438:5, 441:20, 441:24, 441:25,
443:24, 445:12, 447:1, 458:22, 467:2,
471:9, 471:10, 471:17, 472:12, 472:15,
472:22, 474:7, 484:7, 485:21, 486:2,
486:11, 486:20, 487:5, 487:21, 488:21,
489:1, 489:6, 489:9, 489:22, 490:4,
490:8, 490:9, 490:22
This - 283:11, 284:1, 300:17, 327:2,
327:13, 327:21, 328:8, 328:17, 329:10,
329:11, 329:18, 330:15, 330:22,
330:23, 331:7, 331:14, 331:21, 335:1,
335:20, 335:21, 336:1, 336:12, 336:18,
336:23, 337:8, 337:11, 337:20, 338:20,
338:25, 339:9, 339:14, 340:15, 340:20,
340:24, 341:6, 341:23, 342:15, 342:17,
343:1, 343:4, 343:16, 345:14, 345:16,
346:10, 347:18, 348:3, 357:13, 385:9,
397:18, 415:19, 422:4, 428:17, 429:18,
430:17, 431:4, 441:22, 460:12, 471:16,
475:12, 482:23, 485:17
Thomas - 327:16, 328:21, 328:24,
328:25, 330:17, 331:1, 331:11, 331:24,
335:24, 336:8, 336:20, 336:21, 338:7,
339:4, 342:7, 343:8, 343:10, 343:11,
343:19, 345:15, 345:23, 346:4, 346:5,
428:9, 428:15
thoroughly - 488:24
Those - 268:11, 317:12, 355:7,
429:20, 439:4, 453:12, 476:22
those - 268:22, 270:24, 274:10,
274:12, 274:16, 275:25, 279:12,
281:22, 282:11, 282:17, 282:21,
284:16, 284:18, 284:19, 294:4, 296:1,
298:25, 302:3, 302:25, 304:11, 305:1,
305:3, 305:8, 308:6, 316:12, 316:17,
321:9, 323:6, 323:8, 324:9, 324:21,
324:25, 325:3, 326:14, 332:18, 333:9,
333:11, 333:16, 334:8, 340:5, 344:7,
344:13, 344:16, 344:18, 355:22, 369:8,
370:18, 371:19, 377:9, 379:21, 381:6,
391:5, 393:12, 396:6, 398:2, 403:1,
408:21, 434:6, 434:9, 434:15, 434:17,
444:13, 448:10, 448:19, 452:23,
458:15, 463:22, 473:16
though - 314:6, 342:1, 441:13, 444:8,

445:17
thought - 395:6, 448:1, 485:4
thousand - 278:14, 324:8, 408:14,
411:6, 414:5
Thousands - 324:13, 324:15, 381:14,
381:15
thousands - 339:9, 374:25, 379:10,
380:2
threats - 408:19, 408:21
three - 259:8, 260:25, 262:21, 266:13,
272:11, 286:21, 286:22, 296:16,
317:12, 337:22, 342:11, 390:10,
441:16, 468:22
threes - 440:23
thrill - 396:2
thrives - 266:18, 294:21, 295:5,
312:20
Through - 261:19, 419:15, 443:18
through - 259:14, 260:21, 261:24,
262:13, 263:25, 268:20, 268:23, 280:2,
291:18, 291:21, 292:1, 292:16, 299:15,
300:1, 302:12, 303:18, 305:21, 308:12,
315:19, 317:22, 319:4, 324:18, 326:23,
327:3, 333:8, 334:19, 335:17, 344:7,
344:22, 355:24, 355:25, 358:4, 361:15,
365:1, 402:2, 405:17, 421:19, 422:1,
422:22, 423:16, 423:17, 428:13,
476:10, 489:22, 492:10
throughout - 290:7, 368:11, 377:16,
395:20
thrown - 371:10
thus - 322:11
ties - 402:10, 402:23
time - 254:17, 255:15, 262:17, 263:6,
266:16, 266:17, 268:12, 272:17,
274:24, 275:14, 283:11, 283:12, 291:7,
298:12, 308:14, 313:4, 323:7, 324:3,
326:1, 334:11, 334:19, 354:19, 355:12,
355:13, 356:8, 356:11, 361:19, 365:13,
366:3, 370:24, 371:11, 377:24, 378:21,
378:23, 383:21, 388:25, 392:10,
392:19, 393:1, 393:3, 393:5, 393:17,
393:23, 394:9, 394:19, 396:14, 399:5,
399:8, 402:19, 403:1, 403:18, 404:2,
404:3, 404:7, 405:5, 406:1, 406:19,
406:25, 409:13, 410:16, 410:19,
411:23, 412:1, 412:4, 412:23, 414:12,
416:16, 417:13, 418:6, 418:10, 420:15,
421:8, 422:25, 424:24, 426:15, 430:16,
444:9, 444:13, 447:24, 449:17, 449:22,
450:16, 450:20, 451:1, 451:16, 452:9,
452:19, 455:13, 456:4, 456:17, 456:21,
457:9, 460:10, 461:21, 462:1, 464:25,
469:15, 469:19, 469:22, 470:24,
472:25, 475:24, 476:16, 477:13,
478:24, 480:21, 483:1
timeliness - 268:7
timers - 417:24
times - 258:17, 259:18, 273:24,
275:9, 283:7, 283:8, 283:9, 313:10,
317:14, 321:10, 353:1, 353:3, 377:19,
379:3, 379:4, 382:5, 382:22, 408:20,
411:24, 423:4, 437:19, 455:25, 468:1,
478:13, 478:14, 486:7
tips - 411:12
title - 289:10, 392:20
to - 253:6, 253:9, 253:17, 253:23,
253:25, 254:7, 254:9, 254:16, 254:17,
254:22, 254:23, 254:25, 255:4, 255:10,
255:11, 255:12, 255:15, 255:18,
255:19, 255:24, 255:25, 256:3, 256:5,
256:10, 256:14, 256:24, 257:2, 257:3,
257:8, 257:10, 257:11, 257:14, 257:18,
257:20, 257:22, 258:4, 258:10, 258:20,
258:21, 258:22, 258:25, 259:21, 260:4,
260:5, 260:11, 260:14, 260:20, 260:21,
261:12, 261:15, 261:16, 261:17,
261:24, 262:6, 262:7, 262:14, 262:25,
263:1, 263:4, 263:5, 263:9, 263:11,
263:16, 263:17, 264:4, 264:8, 264:15,

264:17, 264:20, 264:21, 265:6, 265:11,
265:13, 265:15, 265:16, 265:17,
265:18, 266:4, 266:5, 266:9, 266:22,
266:23, 267:1, 267:8, 267:9, 267:16,
267:17, 267:19, 267:21, 267:23,
268:13, 268:19, 268:22, 269:3, 269:17,
270:21, 270:23, 271:8, 271:14, 271:15,
271:18, 271:21, 271:24, 272:1, 272:2,
272:8, 272:11, 272:12, 272:22, 274:4,
274:5, 274:8, 274:9, 274:10, 274:11,
274:12, 274:13, 274:20, 274:22,
274:23, 274:24, 275:1, 275:14, 275:15,
276:5, 276:10, 276:12, 276:13, 276:14,
276:22, 277:3, 277:5, 277:7, 277:8,
277:9, 277:12, 277:14, 277:18, 277:21,
277:25, 278:25, 279:1, 279:8, 279:18,
280:2, 280:5, 280:10, 280:13, 280:17,
280:21, 281:7, 281:17, 281:22, 284:4,
284:16, 284:19, 285:6, 285:12, 285:17,
286:6, 286:7, 286:12, 286:22, 287:1,
287:15, 287:17, 287:19, 287:21,
287:22, 288:1, 288:3, 288:4, 288:5,
288:13, 288:20, 288:25, 289:1, 289:5,
289:12, 289:14, 289:18, 290:9, 290:19,
290:21, 291:19, 291:21, 291:24, 292:1,
292:16, 293:4, 293:15, 293:17, 293:21,
294:6, 294:17, 294:18, 295:7, 295:9,
295:10, 295:14, 295:16, 295:19, 296:2,
296:4, 296:7, 296:8, 296:17, 297:2,
297:11, 297:18, 297:23, 297:25, 298:1,
298:4, 298:5, 298:8, 298:9, 298:12,
298:13, 299:10, 299:19, 299:25, 300:1,
300:3, 300:5, 300:8, 300:11, 300:13,
300:15, 300:16, 300:19, 300:21,
301:11, 301:13, 301:20, 301:24, 302:4,
302:7, 302:9, 302:12, 302:16, 303:9,
303:11, 303:13, 303:16, 303:20,
303:23, 303:25, 304:2, 304:3, 304:4,
304:7, 304:18, 304:20, 304:21, 305:4,
305:7, 305:13, 305:15, 305:17, 305:18,
305:20, 306:4, 306:5, 306:10, 306:12,
306:16, 306:17, 306:18, 306:19,
306:21, 306:25, 307:6, 307:10, 307:15,
307:17, 307:21, 307:22, 308:8, 308:13,
308:14, 308:25, 309:6, 309:8, 309:10,
309:11, 309:14, 309:24, 309:25, 310:6,
310:9, 310:10, 310:22, 311:3, 311:5,
311:6, 311:8, 311:9, 311:10, 311:12,
311:13, 311:16, 311:18, 311:23, 312:6,
312:9, 312:10, 312:11, 312:20, 312:22,
312:23, 312:24, 313:4, 313:20, 313:25,
314:1, 314:19, 315:3, 315:5, 315:9,
315:10, 315:19, 315:24, 316:10,
316:20, 316:22, 316:24, 316:25, 317:6,
317:8, 317:21, 317:25, 318:3, 318:5,
318:8, 318:10, 318:14, 318:19, 319:6,
319:7, 319:8, 319:12, 320:10, 320:13,
320:19, 320:22, 321:3, 321:4, 321:5,
321:10, 321:12, 321:18, 321:19,
321:24, 322:12, 322:21, 323:6, 324:17,
325:8, 325:9, 326:17, 326:18, 326:21,
326:25, 328:6, 329:8, 329:20, 329:24,
330:1, 330:2, 330:3, 330:4, 332:16,
333:3, 333:7, 333:8, 333:20, 333:21,
333:25, 334:8, 334:12, 334:16, 334:18,
334:20, 334:22, 337:16, 340:4, 344:5,
344:8, 344:12, 344:21, 345:1, 345:3,
350:7, 350:10, 352:10, 352:11, 352:24,
353:1, 353:7, 353:17, 353:22, 353:25,
354:5, 354:12, 354:18, 355:2, 355:7,
355:9, 355:13, 355:20, 355:21, 355:22,
356:6, 356:11, 357:1, 357:2, 357:3,
357:13, 357:14, 357:15, 357:19,
357:22, 358:4, 358:5, 358:10, 358:13,
358:16, 358:19, 358:25, 359:3, 359:6,
359:8, 359:9, 359:10, 360:2, 360:6,
360:8, 360:18, 360:19, 360:22, 360:25,
361:2, 361:3, 361:13, 361:24, 361:25,
363:7, 363:14, 363:18, 364:25, 365:6,
365:10, 365:16, 365:17, 365:21,

365:23, 366:2, 366:6, 366:13, 366:15,
366:16, 366:19, 366:20, 366:22, 367:5,
367:11, 367:14, 367:18, 367:25, 368:2,
368:5, 368:14, 368:22, 369:8, 369:9,
369:11, 370:7, 370:12, 370:18, 371:10,
371:13, 371:24, 372:4, 372:7, 372:11,
372:16, 373:2, 373:4, 373:6, 373:7,
373:9, 373:15, 374:1, 374:2, 374:5,
374:13, 374:15, 375:1, 375:7, 375:10,
375:11, 375:18, 375:19, 375:25, 376:4,
376:12, 376:14, 376:20, 377:6, 377:9,
377:18, 377:20, 377:21, 377:24,
379:10, 380:8, 380:9, 380:11, 380:12,
380:17, 381:11, 381:23, 382:2, 382:3,
382:4, 382:6, 382:9, 382:10, 382:14,
382:15, 382:24, 383:2, 383:3, 383:5,
383:7, 383:14, 383:18, 384:3, 384:8,
384:11, 384:12, 384:14, 384:15,
384:20, 384:21, 384:23, 384:25, 385:3,
385:7, 385:15, 385:17, 385:20, 385:21,
386:7, 386:10, 386:13, 386:16, 386:24,
388:23, 388:24, 388:25, 389:6, 389:21,
389:24, 391:15, 391:16, 392:6, 392:7,
392:12, 392:23, 393:2, 393:12, 393:24,
394:15, 394:25, 395:2, 395:8, 395:20,
396:1, 396:2, 396:9, 396:13, 396:15,
397:4, 397:21, 398:1, 398:3, 398:6,
398:16, 399:2, 399:4, 399:9, 400:1,
400:17, 400:18, 400:24, 401:3, 401:19,
402:12, 402:20, 403:9, 403:22, 403:23,
404:1, 404:3, 404:4, 404:7, 404:17,
404:18, 404:19, 404:21, 405:12,
405:13, 405:14, 405:15, 405:16,
405:17, 405:20, 406:1, 406:13, 406:14,
406:15, 406:24, 407:1, 407:2, 407:3,
407:11, 407:13, 407:16, 407:17,
407:18, 407:19, 407:25, 408:2, 408:4,
408:15, 408:20, 409:1, 409:2, 409:9,
409:10, 409:12, 409:23, 410:2, 410:11,
410:15, 410:17, 410:18, 410:20,
411:10, 412:14, 413:6, 413:9, 413:12,
413:17, 414:1, 414:7, 414:8, 414:10,
414:12, 414:14, 414:20, 414:21,
414:22, 415:5, 415:8, 415:9, 416:7,
416:9, 416:11, 416:13, 416:14, 416:15,
416:17, 416:18, 416:19, 416:20,
416:21, 416:22, 416:23, 416:25, 417:1,
417:12, 418:13, 418:21, 418:25,
419:24, 420:20, 420:23, 420:24,
421:11, 421:19, 421:21, 421:25, 422:3,
422:4, 422:5, 422:8, 422:9, 422:13,
422:15, 422:17, 423:13, 423:16,
423:18, 423:21, 423:22, 424:13,
424:15, 424:16, 424:19, 424:22,
424:23, 425:18, 425:19, 426:3, 426:15,
426:17, 426:18, 426:24, 427:3, 427:5,
427:11, 427:16, 427:18, 428:1, 428:7,
430:2, 430:4, 430:9, 430:12, 430:19,
431:6, 431:7, 431:11, 431:14, 431:25,
432:6, 432:11, 432:12, 432:13, 432:21,
432:23, 432:24, 433:19, 433:23, 434:3,
434:8, 434:10, 434:18, 434:19, 435:1,
435:22, 435:23, 435:24, 436:6, 436:14,
436:18, 436:20, 436:21, 436:25,
437:22, 438:13, 439:9, 439:13, 439:15,
439:20, 439:23, 439:25, 440:1, 440:3,
440:6, 440:23, 440:25, 441:1, 441:3,
441:7, 441:15, 441:18, 441:22, 442:2,
442:4, 442:9, 443:2, 443:4, 443:9,
443:19, 444:11, 444:12, 444:14,
444:17, 444:19, 444:20, 444:25,
445:14, 445:20, 445:23, 446:21, 447:2,
447:3, 447:4, 447:6, 447:11, 447:22,
447:24, 448:3, 448:6, 448:8, 448:11,
448:19, 448:22, 449:5, 449:6, 449:7,
449:10, 449:12, 449:13, 449:14,
449:15, 450:2, 450:10, 450:22, 451:3,
451:5, 451:14, 451:17, 451:18, 452:16,
452:17, 452:21, 452:23, 453:1, 453:4,
453:6, 453:8, 453:10, 453:13, 453:15,

453:18, 453:24, 453:25, 454:11,
454:14, 454:22, 455:14, 455:22, 456:1,
456:11, 456:13, 456:15, 456:16,
456:20, 456:21, 458:19, 459:13,
459:22, 459:25, 460:16, 460:20,
460:21, 460:22, 461:6, 461:9, 461:20,
464:6, 464:7, 464:22, 464:25, 465:3,
465:4, 465:6, 465:9, 466:6, 466:8,
466:12, 466:25, 467:21, 468:6, 468:9,
469:11, 469:24, 470:3, 470:7, 470:8,
470:10, 470:12, 470:19, 470:20,
470:23, 471:7, 471:8, 471:9, 471:13,
471:23, 471:24, 472:5, 472:23, 472:24,
473:11, 473:20, 474:3, 474:4, 474:12,
475:2, 475:14, 475:18, 475:19, 475:21,
476:1, 476:3, 476:12, 477:1, 477:12,
478:4, 478:13, 478:22, 478:25, 479:18,
479:19, 480:24, 481:1, 481:4, 481:5,
481:6, 481:19, 481:23, 482:5, 482:7,
482:16, 482:23, 483:7, 483:8, 483:10,
483:11, 483:17, 483:21, 483:23, 484:7,
484:11, 484:13, 485:8, 485:15, 485:19,
485:20, 486:8, 486:14, 486:17, 486:23,
487:1, 487:5, 487:11, 487:17, 487:20,
488:2, 488:13, 488:14, 488:20, 488:22,
489:1, 489:5, 489:8, 489:9, 489:13,
489:17, 489:20, 490:7, 490:8, 490:25,
491:1, 491:3, 492:9, 492:10, 492:11
To - 258:25, 278:9, 279:19, 291:18,
323:19, 366:11, 484:18, 484:24
today - 254:14, 255:24, 257:9,
265:12, 284:18, 353:1, 353:5, 380:13,
380:24, 380:25, 381:2, 390:4, 431:19,
432:22, 434:15, 490:19
together - 379:3, 399:9, 409:8,
438:21, 452:9, 452:11, 455:21, 456:20,
456:21, 456:23, 491:13
Together - 260:15
told - 253:6, 280:6, 281:6, 299:19,
303:25, 304:1, 311:23, 313:10, 313:14,
355:7, 366:21, 382:18, 396:1, 416:19,
422:6, 426:5, 426:9, 439:20, 456:13,
456:14, 456:15, 458:24, 463:20,
463:21, 464:25, 465:9, 467:8, 467:14,
475:10, 478:5, 482:4, 486:19, 490:1,
490:6
tolerate - 371:13, 371:16, 371:18
Tommy - 335:2, 338:14, 345:15,
402:2, 402:17, 414:23, 418:20, 418:21,
418:24, 425:17, 457:16, 457:21, 477:5,
477:7
tomorrow - 489:15, 489:18
tons - 312:10
Tony - 348:17, 396:25
Tony's - 400:25
too - 338:16, 367:7, 371:24, 371:25,
413:3, 424:21, 434:7, 450:3, 474:7,
477:3
took - 261:13, 354:23, 379:21,
379:22, 392:8, 408:17, 423:11, 425:17,
428:6, 429:24, 429:25, 430:1, 430:23,
430:24, 432:18, 454:19, 464:12, 467:2,
469:14, 470:23, 470:25, 472:12,
472:14, 474:4, 474:8, 486:13
Top - 343:7, 343:18
top - 260:23, 286:11, 286:21, 328:23,
332:3, 335:4, 335:7, 342:11, 342:20,
342:22, 343:5
Tori - 349:2
total - 324:6
touched - 372:11
tough - 443:6, 443:21, 453:24,
453:25, 458:20, 475:17, 475:18,
479:15, 487:17
towards - 487:14, 487:19
town - 382:6
trace - 264:5
tracked - 391:2
Trade - 259:17, 463:7
traditional - 314:8

traffic - 323:2
trafficking - 283:2
tragic - 259:2
Traina - 396:25
Transcript - 252:9
transcript - 252:25, 253:18, 253:19
transferred - 271:24
translation - 284:1
Trantel - 331:20
Travella - 382:11, 382:21
treat - 304:2, 304:20, 306:25
trees - 395:24
tremendous - 297:20, 310:11
trial - 254:1, 254:9, 260:17, 262:5,
264:4, 266:2, 268:4, 269:13, 269:15,
269:16, 325:9, 333:21, 357:23, 358:1,
379:13, 438:11, 454:11, 471:24, 480:2,
488:9
Trial - 252:9, 253:1
trials - 353:15, 382:21, 479:20
tribute - 292:4, 368:17, 369:13
tried - 254:22, 263:17, 360:25, 393:2,
403:9, 416:25, 421:11, 478:4
Tried - 456:1
tries - 293:17
trouble - 356:6, 442:11, 444:21,
489:21
Trucchio - 328:9, 328:18, 331:18,
332:1, 332:11, 333:1, 349:12
truck - 413:17, 413:20
trucking - 413:6, 413:19
trucks - 413:10
true - 313:1, 356:17, 360:25, 384:9,
384:10
trunk - 416:22, 417:2
trust - 294:7, 362:21
truth - 281:7, 281:8, 361:2
truthful - 266:6
Try - 256:24
try - 257:11, 281:17, 309:10, 355:9,
358:19, 359:6, 359:10, 412:14, 445:20
trying - 260:4, 480:5, 484:7
Trying - 438:13
Tuesday - 491:4
turn - 288:3, 318:18, 357:3, 357:19,
398:6, 446:23
turning - 375:10
turns - 369:8
Tv's - 275:17
twelve - 257:16, 377:21
twenties - 403:15, 405:3
Twenty - 392:9
twenty - 270:8, 282:23, 290:21,
379:24, 390:22, 453:15
twenty-five - 270:8, 282:23
Twenty-six - 392:9
twenty-two - 390:22
two - 259:7, 264:20, 264:25, 265:25,
269:13, 277:11, 299:1, 299:2, 316:18,
329:8, 333:4, 337:16, 337:17, 345:5,
345:6, 376:9, 390:22, 391:14, 391:20,
396:3, 397:8, 411:13, 428:5, 432:24,
438:19, 438:21, 439:1, 439:4, 440:5,
441:15, 441:16, 449:12, 452:9, 468:24,
476:22
Two - 259:24, 390:20, 410:7, 479:22
twofold - 319:6
twos - 440:23
type - 277:25, 278:9, 293:25, 339:10,
353:21, 371:9, 380:23, 400:5, 435:3
types - 262:5, 321:13, 321:20
typical - 288:21, 291:13, 443:9
Typically - 315:18
typically - 276:9, 276:16, 278:15,
280:15, 292:25, 293:9, 293:17, 297:17,
299:11, 315:17, 315:20, 325:6, 386:7

U

ultimate - 393:4

umbrella - 404:14
Uncle - 451:15
Under - 286:18
under - 261:2, 265:15, 265:20, 288:16, 292:13, 295:1, 311:13, 318:14, 355:25, 356:16, 356:19, 356:20, 371:19, 404:23, 407:24, 408:3, 411:25, 417:13, 421:8, 461:21, 461:23, 469:6, 471:18, 472:7, 473:5, 473:7, 474:5, 475:12, 488:17, 488:18
Underboss - 415:25
underboss - 260:24, 260:25, 286:18, 286:20, 287:13, 290:12, 394:4, 402:8, 402:19, 413:14, 418:20, 469:20, 471:18, 472:7, 472:9, 473:21, 473:25, 490:3
underbosses - 289:8
Underneath - 287:8
understand - 258:3, 267:15, 275:14, 322:13, 357:9, 398:16, 460:22, 471:10, 478:5, 479:25, 482:5, 482:16, 483:22, 484:1, 484:2, 484:5, 484:6, 488:5, 491:1
understanding - 275:21, 366:17, 454:22, 481:22, 483:23, 484:11, 489:22
United - 252:1, 252:3, 252:10, 252:13, 260:9, 260:13, 260:16, 283:18, 284:3, 290:7, 393:9
unless - 375:24, 440:6, 453:17
Unless - 439:14, 439:23, 474:3
unsupported - 268:16
Until - 272:5, 273:1
until - 254:20, 272:7, 296:12, 375:21, 445:14, 446:9, 461:21, 483:1, 486:16, 491:18
Up - 421:11, 461:21, 483:1
up - 256:2, 257:10, 257:22, 258:6, 258:22, 259:17, 261:1, 264:7, 274:24, 280:5, 287:11, 288:5, 289:18, 292:1, 292:4, 292:6, 292:8, 293:7, 293:15, 293:18, 294:24, 294:25, 295:1, 298:8, 298:17, 306:1, 310:10, 317:21, 318:7, 320:2, 321:18, 324:5, 330:11, 345:1, 357:11, 357:12, 358:8, 360:18, 366:22, 368:17, 369:3, 369:12, 369:13, 369:23, 371:6, 372:7, 373:6, 374:5, 374:8, 375:2, 375:3, 375:19, 376:20, 380:22, 385:15, 391:17, 391:19, 393:1, 394:15, 397:21, 398:2, 399:9, 402:8, 404:2, 404:17, 404:19, 405:9, 405:19, 407:14, 407:15, 407:25, 410:11, 410:18, 414:5, 416:10, 421:11, 421:22, 422:17, 422:21, 422:25, 424:20, 427:18, 427:22, 428:1, 428:11, 430:24, 432:20, 435:6, 440:3, 440:23, 442:9, 443:21, 450:2, 451:5, 451:12, 452:8, 453:17, 455:21, 458:15, 478:3, 482:23, 485:20, 486:16, 489:5, 490:8
upon - 306:5, 370:25, 371:8, 373:17, 379:10, 383:10, 471:14, 489:8
Upon - 272:21, 298:11, 428:8
ups - 372:4
upstairs - 396:15, 396:18, 450:1, 450:9
Upstate - 382:11, 382:19
Us - 252:4, 252:15, 270:10, 272:25, 355:21, 391:5
us - 255:25, 268:11, 268:13, 274:5, 277:18, 278:6, 281:18, 286:12, 299:15, 305:20, 414:12, 416:11, 428:19, 430:17, 430:19, 432:2, 433:7, 439:22, 486:19, 490:1, 490:18, 490:25
use - 276:3, 277:20, 277:21, 282:15, 284:18, 300:24, 301:22, 303:22, 318:24, 372:19, 386:18, 389:5, 390:23, 396:15, 400:24, 404:21, 408:15
used - 262:7, 274:1, 278:18, 287:15, 316:10, 317:8, 317:13, 320:11, 361:11, 368:1, 393:12, 400:17, 414:7, 426:24, 427:11, 450:2, 456:20, 456:21, 461:20,

477:12, 478:13
useful - 484:8
using - 260:21, 273:21, 275:10, 362:19
Usually - 276:25, 293:2, 293:11, 355:25, 412:3, 422:22, 424:15, 438:19, 477:5
usually - 276:11, 280:11, 281:3, 281:4, 287:2, 288:12, 290:20, 293:3, 299:20, 300:13, 302:6, 303:6, 304:5, 305:13, 320:1, 359:4, 373:24, 407:1, 477:11
Utrecht - 401:18, 410:10

V

V - 429:5
v - 252:4
vacations - 451:4, 452:10
Vague - 476:1
valet - 454:6
Vallario - 330:18
Vallerio - 341:3
valuable - 310:16, 312:10, 386:13, 386:14, 388:16, 409:2, 414:1, 435:24, 435:25, 468:5, 473:20, 487:14, 488:2
value - 484:11
valued - 455:19
vandalism - 399:13
Vandalism - 400:4
varied - 377:24
varies - 353:19, 355:19, 359:8, 366:15, 367:5, 413:1
Varies - 353:20
variety - 263:23
various - 262:5, 277:3, 288:23, 290:4, 293:19, 305:17, 320:11, 333:15, 342:18, 360:9, 378:25
vary - 290:14, 305:4, 377:19, 378:19, 378:21
Vegas - 401:25, 402:25, 403:7
vehicle - 275:17, 276:25, 321:2
vehicles - 275:8, 323:19
vehicular - 323:2
verbally - 304:23, 310:1, 311:20, 355:15, 355:17
verbatim - 359:25, 360:1, 360:14
verdict - 267:14, 269:8
verifiable - 358:23
verification - 302:17
verified - 367:23
verify - 358:20
Vernace - 328:25
version - 299:17, 301:5
very - 257:9, 257:10, 258:3, 266:16, 266:17, 275:14, 275:15, 275:23, 277:4, 277:18, 305:14, 305:16, 305:20, 315:24, 321:25, 365:2, 377:16, 378:1, 387:1, 395:6, 398:7, 399:7, 408:24, 411:2, 416:8, 423:15, 450:25, 451:3, 452:8, 455:21, 458:20, 459:3, 461:17, 461:25, 468:4, 471:9, 471:20, 475:14, 479:11, 481:6, 484:13, 485:7, 488:24
Very - 255:21, 386:3, 453:24, 478:18, 481:6, 490:10
vestibule - 414:25
via - 364:22
Vic - 335:11
victim - 259:10, 374:16
victim's - 393:13, 417:7
victims - 263:18, 263:22
Victor - 339:2, 342:21, 429:5
video - 276:11, 277:20, 277:22
Video - 378:3
videos - 276:15, 396:4
videotaped - 359:18
view - 357:10, 385:11, 385:13, 385:14
viewed - 344:7
viewing - 339:9
Vincent - 329:15, 329:16, 331:2,

332:2, 332:4, 338:5, 343:20, 348:15, 350:17, 350:21, 364:15
Vinciulo - 348:23
Vinnie - 419:22
Vinny - 350:17, 437:15, 437:20, 442:1
violate - 308:17, 373:8, 444:1
violated - 390:1
violating - 309:16, 372:10, 435:18, 435:20
violation - 309:20, 312:6, 312:14, 312:16, 315:13, 408:15
violations - 310:4
Violence - 408:16
violence - 260:21, 294:10, 294:11, 294:13, 294:18, 295:4, 295:7, 295:10, 296:17, 297:7, 297:10, 308:13, 310:12, 409:2, 409:5
violent - 260:18, 260:20, 297:20, 308:9
visit - 289:20, 447:9
Vittorio - 335:11
voice - 416:10, 428:11, 451:5
voices - 452:22
voluntarily - 368:22, 368:24
voluntary - 369:6
voted - 264:24
votes - 290:11
vouch - 302:19
vow - 303:20
vowing - 303:9, 303:11, 303:16

W

wait - 290:21
waiting - 425:7
wake - 305:13, 327:14, 327:21, 328:18, 329:12, 330:15, 330:20, 330:23, 331:8, 331:17, 331:22, 332:9, 335:1, 335:22, 336:24, 337:13, 338:21, 340:16, 340:25, 341:7, 341:19, 341:24, 343:17, 393:19, 393:22, 393:25, 394:1, 394:6, 394:22
waked - 337:21
wakes - 276:21, 278:2, 304:25, 321:7, 321:12, 325:25, 337:16, 378:16, 452:12, 452:13, 452:24, 453:5, 453:10, 453:14, 453:16, 453:19, 476:11
walk - 299:15, 317:2, 317:4, 381:25, 395:20, 411:25, 412:2, 412:5, 414:25, 452:23, 472:14, 472:15, 472:19, 473:3, 474:24
walk-talk - 317:2, 317:4, 412:2, 472:15, 472:19, 473:3, 474:24
walk-talks - 411:25, 452:23
walked - 427:18, 427:22, 428:1, 428:4, 428:19, 429:20, 430:5, 437:19
Walked - 428:4
walking - 317:6, 383:9, 395:13
want - 253:9, 255:25, 256:10, 257:18, 260:11, 265:11, 265:13, 280:16, 293:21, 294:6, 295:16, 306:19, 306:21, 311:10, 326:25, 332:16, 333:3, 352:11, 355:22, 356:6, 356:11, 358:5, 360:7, 370:12, 375:20, 376:4, 383:5, 383:13, 384:25, 385:2, 397:21, 405:12, 422:2, 422:5, 430:19, 434:8, 435:8, 439:3, 439:16, 440:5, 444:19, 444:25, 455:14, 466:13, 470:18, 471:9, 471:13, 471:14, 471:23, 474:23, 487:1, 487:6, 489:17, 490:7
wanted - 253:23, 352:10, 376:12, 376:20, 385:18, 398:3, 405:16, 406:13, 415:8, 423:22, 434:10, 448:5, 458:19, 464:24
wants - 260:21, 279:7, 298:4, 298:12, 373:7, 383:18, 440:6, 443:19
Ward - 254:4
warehouseman - 402:15
warrant - 357:6
warrants - 293:25

Was - 326:9, 334:3, 388:16, 393:16, 393:19, 407:11, 414:1, 416:4, 418:19, 420:18, 423:18, 433:23, 435:10, 437:20, 437:24, 453:3, 453:9, 455:19, 460:21, 461:6, 461:9, 464:22, 473:20, 479:8

was - 253:5, 254:6, 254:18, 255:3, 255:5, 258:12, 258:17, 258:20, 259:1, 259:10, 259:13, 259:23, 260:1, 260:18, 261:9, 261:17, 261:24, 264:24, 265:18, 267:24, 267:25, 268:13, 269:21, 271:12, 271:14, 271:15, 271:24, 272:8, 272:17, 272:21, 272:25, 283:12, 296:12, 300:2, 303:8, 324:3, 326:24, 327:2, 327:3, 327:13, 327:14, 327:21, 328:8, 329:11, 331:6, 331:14, 331:16, 331:21, 335:19, 337:19, 337:20, 337:21, 338:18, 339:13, 340:14, 340:23, 341:5, 341:19, 342:13, 343:13, 343:15, 343:16, 344:3, 354:8, 354:15, 355:6, 357:25, 358:20, 359:11, 359:23, 362:10, 362:12, 365:24, 375:7, 376:12, 378:19, 378:20, 378:21, 378:24, 379:2, 379:4, 379:5, 379:22, 381:2, 385:16, 387:11, 388:13, 388:15, 388:21, 390:17, 391:6, 391:7, 391:12, 391:25, 392:6, 392:10, 392:11, 392:17, 392:18, 392:20, 392:23, 392:24, 393:2, 393:3, 393:5, 393:9, 393:11, 393:23, 394:9, 395:3, 395:13, 395:16, 395:18, 395:21, 396:2, 396:12, 396:17, 396:24, 397:1, 398:5, 398:8, 398:9, 398:13, 398:16, 398:17, 399:7, 399:16, 400:4, 400:8, 400:11, 402:3, 402:4, 402:7, 402:15, 402:19, 403:8, 403:10, 403:16, 403:21, 403:25, 404:1, 404:2, 404:3, 404:7, 405:3, 405:7, 405:8, 405:10, 406:5, 407:9, 407:16, 408:16, 409:16, 410:9, 410:10, 410:16, 410:17, 410:18, 410:19, 411:5, 411:10, 411:23, 411:25, 413:6, 413:8, 413:9, 413:12, 413:13, 414:5, 414:6, 414:15, 414:22, 415:4, 415:8, 415:9, 415:15, 415:17, 415:18, 415:23, 416:3, 416:7, 416:8, 416:16, 416:19, 416:20, 416:23, 417:7, 417:12, 417:21, 418:2, 418:6, 418:7, 418:14, 418:15, 418:17, 418:19, 418:20, 418:22, 418:23, 419:10, 419:12, 420:5, 420:9, 420:14, 421:4, 422:7, 423:4, 423:5, 423:9, 423:10, 423:15, 423:16, 423:20, 425:18, 426:5, 426:18, 427:10, 427:19, 428:8, 428:13, 428:17, 429:4, 429:8, 429:10, 429:11, 429:23, 429:25, 430:1, 430:2, 430:5, 430:9, 430:25, 431:22, 433:6, 434:7, 434:11, 434:12, 434:16, 437:15, 437:17, 437:18, 437:21, 438:1, 438:2, 438:3, 438:5, 438:8, 438:9, 438:10, 438:11, 438:12, 440:7, 440:13, 440:24, 441:18, 442:9, 443:5, 443:6, 444:4, 445:2, 446:8, 446:9, 446:16, 446:21, 447:18, 448:7, 448:15, 448:22, 449:19, 449:23, 449:25, 450:4, 450:8, 450:9, 450:11, 450:16, 450:20, 450:21, 451:1, 451:11, 451:16, 451:17, 451:18, 451:22, 452:2, 452:4, 452:7, 452:15, 452:19, 454:2, 454:11, 454:14, 454:16, 454:19, 454:20, 454:22, 455:13, 455:18, 455:20, 455:23, 456:7, 456:24, 457:8, 457:9, 457:14, 457:15, 458:15, 459:1, 459:3, 460:8, 461:3, 462:6, 462:8, 462:10, 462:13, 462:14, 462:15, 462:22, 462:24, 463:6, 463:8, 463:11, 463:18, 464:3, 464:14, 464:16, 464:24, 464:25, 465:9, 465:10, 466:5, 466:9, 466:23, 466:24, 466:25, 468:3, 468:17, 468:18, 469:1, 469:2, 469:17, 469:19, 469:20, 469:21, 470:5, 470:10, 470:11, 470:12, 470:22, 470:24, 471:1, 471:2, 472:9, 472:13, 473:1, 473:6, 473:10,

473:15, 473:18, 473:19, 473:23, 474:24, 476:8, 477:5, 477:9, 477:20, 477:23, 478:2, 478:9, 478:15, 479:5, 479:13, 479:15, 479:17, 479:21, 480:4, 480:7, 480:15, 480:23, 481:3, 481:7, 481:9, 481:11, 482:4, 483:16, 483:23, 484:1, 484:4, 484:13, 484:14, 486:5, 486:19, 486:21, 487:13, 487:14, 487:17, 487:18, 487:20
wasn't - 262:8, 360:11, 361:22, 362:13, 409:17, 416:6, 423:23, 452:4
watch - 396:4
watching - 430:16
watts - 414:23, 416:7, 416:8
Watts - 349:8, 415:14, 415:17, 416:3
way - 254:22, 258:9, 258:21, 259:25, 275:18, 293:8, 297:8, 300:17, 301:6, 302:6, 303:12, 310:23, 311:2, 311:16, 313:11, 314:14, 314:16, 339:12, 354:18, 356:22, 358:5, 381:18, 385:10, 385:11, 385:13, 385:14, 386:24, 401:5, 416:25, 424:21, 431:18, 431:19, 435:7, 438:12, 439:9, 445:2, 445:10, 445:15, 461:24, 482:4, 484:8
ways - 305:22, 354:17, 354:20, 355:23, 369:14, 385:20, 408:7
we - 253:10, 253:20, 254:8, 254:13, 254:14, 255:25, 256:12, 260:15, 264:4, 264:16, 270:17, 274:4, 274:6, 274:7, 274:8, 274:10, 274:11, 274:12, 278:4, 278:5, 281:17, 284:18, 285:16, 299:12, 321:16, 322:10, 326:21, 330:5, 330:11, 333:6, 334:11, 338:19, 341:20, 373:22, 375:4, 376:3, 377:25, 379:3, 379:13, 389:23, 389:25, 391:2, 393:12, 396:16, 400:5, 400:24, 401:2, 411:11, 411:12, 411:13, 414:22, 414:24, 415:3, 424:22, 425:15, 427:10, 428:4, 430:16, 431:6, 432:21, 439:3, 444:5, 449:19, 453:12, 453:13, 454:13, 456:21, 456:22, 474:5, 486:4, 486:23, 487:6, 487:10, 488:7, 488:8, 489:18, 490:2, 490:13
We - 253:4, 254:10, 254:16, 256:15, 256:22, 263:23, 329:9, 330:5, 335:16, 367:1, 373:12, 376:19, 382:20, 382:21, 391:15, 399:8, 408:24, 415:3, 425:7, 427:18, 427:22, 428:1, 430:17, 431:5, 432:19, 432:20, 440:23, 441:1, 448:14, 449:20, 450:23, 451:3, 472:14, 488:25, 489:10, 490:11, 491:3, 491:8, 491:10
We'd - 489:13
We'll - 334:16, 363:16, 365:14, 375:13, 475:2
we'll - 256:7, 256:9, 257:14, 264:1, 485:6
we're - 253:14, 255:23, 257:11, 258:4, 262:14, 270:14, 274:22
We're - 321:24, 356:14, 414:20, 414:21
weak - 268:2
wearing - 370:25, 426:17
weather - 278:1
wedding - 328:9
weddings - 278:3, 304:25, 321:16, 325:25, 378:16, 452:13, 452:24, 453:5, 453:11, 453:14, 453:16, 453:19, 476:11
Weddings - 452:12
wedlock - 390:16
week - 324:5, 377:19, 406:9, 408:12, 409:9, 409:10, 412:17, 412:18, 412:20, 412:25, 414:5, 417:20, 426:5, 427:11, 476:18, 480:20, 491:1
weekly - 271:22, 378:18
Weekly - 417:17
weeks - 266:8, 330:4
weight - 488:13
Weinstein - 252:9
Well - 255:8, 265:7, 275:13, 277:3, 278:14, 281:3, 281:14, 290:20, 292:7, 294:9, 294:21, 297:10, 301:5, 303:6,

304:11, 304:19, 305:12, 306:16, 309:19, 310:10, 311:19, 312:4, 321:8, 324:8, 359:4, 369:5, 382:1, 383:21, 404:11, 411:8, 431:10, 434:6, 440:11, 449:19, 489:24
well - 253:21, 254:11, 257:13, 266:21, 287:3, 355:18, 362:12, 384:1, 405:5, 429:11, 490:10
well-known - 405:5
went - 271:11, 353:4, 377:23, 377:24, 378:18, 379:24, 398:6, 414:20, 414:22, 415:3, 416:14, 416:15, 425:15, 426:14, 426:15, 427:16, 428:5, 428:7, 430:3, 432:19, 432:23, 440:23, 447:4, 447:15, 448:19, 453:1, 453:2, 479:19, 481:5, 481:6
were - 257:8, 257:9, 257:16, 257:20, 260:3, 262:10, 262:16, 265:3, 265:19, 266:1, 267:9, 267:12, 267:23, 271:23, 272:2, 272:15, 284:15, 284:16, 291:8, 301:6, 303:2, 318:6, 324:25, 325:1, 325:5, 332:18, 332:21, 332:22, 333:4, 333:18, 334:8, 338:12, 339:12, 346:4, 354:8, 354:10, 354:11, 354:13, 355:1, 355:2, 355:5, 358:1, 360:9, 371:21, 372:3, 372:4, 374:5, 377:7, 377:8, 377:10, 378:22, 378:23, 378:25, 379:3, 379:4, 379:10, 379:11, 379:20, 380:2, 380:7, 380:12, 380:19, 381:5, 381:6, 381:16, 382:16, 382:17, 382:22, 382:23, 386:6, 388:2, 390:23, 391:15, 392:8, 392:22, 394:19, 395:11, 395:22, 395:23, 396:4, 396:14, 397:9, 399:11, 399:23, 400:6, 403:3, 403:14, 404:15, 404:25, 405:5, 406:10, 406:20, 407:4, 407:24, 408:2, 408:3, 408:24, 410:8, 411:8, 412:10, 412:16, 412:17, 413:21, 413:22, 413:24, 414:9, 414:12, 415:21, 416:11, 416:18, 416:21, 417:13, 418:10, 419:16, 419:19, 419:21, 420:15, 421:8, 426:3, 427:21, 427:23, 428:4, 428:5, 429:20, 430:6, 430:7, 432:21, 432:24, 433:3, 433:9, 433:22, 434:6, 434:13, 440:8, 440:11, 440:12, 441:1, 443:6, 447:16, 448:10, 448:11, 451:1, 451:3, 451:16, 451:17, 451:19, 452:15, 452:16, 453:3, 453:9, 454:14, 456:17, 456:21, 460:12, 461:10, 466:4, 467:4, 468:22, 471:17, 472:6, 473:5, 473:7, 473:9, 473:13, 474:24, 475:12, 475:14, 475:17, 475:19, 476:22, 482:3, 482:4, 486:13, 486:21, 490:1
Were - 333:18, 393:21, 399:4, 403:12, 406:19, 408:21, 411:15, 422:25, 447:22, 448:13, 469:6, 472:6, 473:16
weren't - 434:7, 434:16
West - 285:11
whack - 317:12, 368:1
what - 256:9, 256:10, 258:1, 260:21, 260:22, 262:10, 266:16, 266:20, 266:23, 268:13, 274:7, 274:8, 274:12, 274:22, 275:5, 275:14, 276:2, 276:5, 276:14, 277:12, 278:20, 280:6, 282:23, 283:12, 285:21, 287:11, 289:7, 291:12, 293:9, 297:8, 298:23, 299:15, 305:3, 305:19, 307:19, 309:22, 310:12, 311:20, 313:23, 317:15, 319:25, 320:22, 333:13, 353:20, 353:21, 353:25, 357:9, 358:10, 359:4, 359:23, 360:19, 361:3, 361:25, 366:22, 369:11, 374:19, 374:22, 375:3, 378:21, 382:1, 382:15, 383:7, 383:20, 384:2, 385:18, 385:21, 385:25, 388:13, 391:14, 393:9, 397:21, 400:18, 406:22, 407:13, 407:19, 408:12, 408:17, 409:4, 410:22, 412:6, 413:8, 413:12, 418:5, 420:2, 420:14, 427:14, 431:7, 434:8, 435:25, 438:8, 439:15, 439:17, 440:21, 444:20, 451:1, 459:25, 460:17, 461:6, 467:8, 467:14, 468:6, 468:9, 470:8, 470:15,

474:25, 478:1, 478:6, 479:5, 480:4, 482:23, 484:14, 485:20, 487:1, 489:5, 489:14

What - 253:9, 258:8, 268:13, 270:9, 270:19, 271:3, 271:19, 272:6, 272:17, 275:12, 275:20, 276:9, 279:18, 280:1, 283:25, 284:6, 284:20, 285:10, 285:24, 287:12, 287:15, 287:21, 287:24, 291:16, 291:24, 292:5, 292:11, 293:17, 294:4, 294:16, 294:24, 296:1, 297:5, 301:12, 301:21, 302:3, 302:14, 304:18, 306:23, 309:18, 311:2, 311:18, 312:5, 314:8, 314:21, 314:25, 315:12, 316:5, 316:9, 317:4, 317:11, 317:25, 318:3, 319:2, 319:8, 321:15, 323:6, 323:18, 324:23, 325:11, 333:23, 344:10, 353:21, 382:11, 384:25, 386:18, 386:22, 387:23, 387:25, 388:13, 388:23, 389:20, 390:17, 392:10, 392:20, 392:23, 392:25, 394:3, 395:17, 395:22, 397:11, 397:17, 397:19, 398:8, 400:3, 400:8, 401:23, 402:3, 402:14, 403:1, 403:5, 403:7, 403:23, 404:4, 404:15, 404:19, 404:21, 406:4, 406:7, 406:12, 408:2, 409:19, 412:2, 413:5, 414:17, 415:15, 415:23, 418:2, 418:13, 418:21, 419:10, 420:5, 421:16, 421:18, 421:19, 421:24, 422:11, 423:13, 426:12, 426:17, 426:20, 426:24, 427:5, 427:17, 428:3, 429:8, 429:22, 430:4, 431:8, 432:18, 433:6, 433:9, 434:1, 434:23, 435:24, 436:8, 436:11, 436:25, 438:18, 440:7, 440:25, 444:23, 445:3, 445:20, 445:25, 449:25, 450:8, 450:16, 450:20, 452:2, 453:23, 453:25, 454:5, 455:12, 456:24, 457:1, 459:1, 459:11, 459:18, 460:6, 461:14, 462:6, 462:22, 463:25, 466:16, 468:13, 468:17, 469:1, 469:19, 475:16, 475:18, 477:9, 478:9, 478:16, 479:13, 479:16, 479:18, 481:9, 482:5, 482:7, 483:23, 484:4, 485:15, 486:2

what's - 261:1, 267:3, 274:2, 274:13, 280:18, 394:11, 395:13, 398:10, 422:23, 477:7

What's - 277:2, 278:24, 280:7, 280:15, 285:3, 289:4, 289:10, 315:7, 389:18, 427:9, 428:24, 429:16, 451:9, 455:5, 457:6, 457:22, 458:3, 458:9

whatever - 289:13, 303:17, 310:2, 314:23, 384:7, 396:4, 398:2, 422:2, 432:21, 434:25, 435:8, 435:9, 439:14, 448:15, 465:9

Whatever - 412:7

when - 257:12, 259:14, 261:17, 265:22, 268:8, 269:5, 272:25, 275:20, 276:10, 276:16, 276:23, 277:5, 277:20, 281:3, 281:16, 286:16, 289:14, 289:21, 293:12, 299:4, 299:18, 303:20, 305:5, 306:7, 306:16, 309:22, 313:13, 313:14, 315:2, 322:20, 323:4, 323:15, 324:3, 324:25, 325:8, 326:24, 329:24, 330:11, 333:18, 333:20, 354:8, 354:10, 355:1, 355:20, 356:2, 360:13, 361:3, 365:6, 365:8, 365:14, 367:25, 374:24, 375:17, 377:13, 377:23, 379:3, 382:10, 383:8, 383:9, 384:12, 384:18, 384:19, 392:8, 395:11, 395:20, 395:22, 396:14, 397:9, 397:21, 399:23, 403:14, 403:18, 403:21, 404:9, 407:8, 407:9, 409:7, 411:8, 418:6, 418:19, 426:9, 426:14, 426:15, 427:17, 429:20, 431:5, 431:22, 432:4, 433:16, 434:25, 436:14, 440:3, 440:25, 445:10, 445:16, 446:14, 449:17, 449:22, 451:11, 451:22, 455:18, 456:4, 456:24, 457:9, 460:12, 463:2, 464:10, 469:14, 470:19, 470:20, 472:21, 472:24, 474:12, 474:23, 475:21, 477:4, 477:5, 477:9, 478:2, 478:24, 480:21, 483:14, 489:10, 490:20

When - 261:10, 266:18, 271:1, 276:2, 278:15, 279:22, 284:14, 291:20, 297:17, 297:18, 303:15, 305:18, 317:18, 320:18, 323:25, 325:5, 329:25, 358:4, 365:16, 369:15, 369:23, 377:15, 390:5, 390:7, 391:5, 393:8, 393:12, 395:19, 398:15, 398:16, 399:11, 400:6, 404:25, 406:17, 407:19, 411:5, 412:6, 413:21, 415:10, 418:5, 421:6, 424:22, 426:1, 426:3, 433:1, 447:11, 450:4, 450:14, 450:18, 452:15, 454:8, 456:7, 456:14, 456:21, 457:12, 457:14, 460:8, 460:9, 464:3, 464:9, 471:7, 475:5, 476:14, 482:3, 482:24, 484:14, 489:8

whenever - 466:24

Where - 270:12, 270:17, 276:16, 283:15, 284:9, 299:11, 391:17, 409:6, 410:8, 412:11, 419:16, 427:7, 430:7, 447:9, 447:18, 460:8, 464:3, 476:19, 477:21, 483:6, 483:20

where - 272:20, 275:6, 275:7, 276:20, 276:21, 276:23, 277:25, 278:3, 281:5, 283:18, 293:6, 301:7, 309:10, 320:6, 326:24, 338:9, 338:10, 339:11, 343:12, 345:4, 356:10, 356:12, 361:19, 362:3, 368:2, 378:19, 382:2, 382:16, 382:17, 382:21, 382:22, 383:13, 396:15, 406:25, 409:23, 416:20, 419:16, 427:10, 430:10, 440:24, 447:15, 463:6, 467:2, 470:19, 470:25, 472:12, 482:1, 490:3

Wherever - 276:18

wherever - 299:13, 401:11, 452:22

whether - 254:23, 254:25, 267:18, 267:22, 274:6, 306:10, 317:21, 319:10, 357:15, 366:18, 384:15, 435:8, 435:24, 487:24, 488:14, 488:20

Whether - 256:6

Which - 389:13, 401:17, 430:13,

448:16, 476:24

which - 262:9, 265:14, 268:10, 288:11, 291:7, 295:21, 300:1, 300:4, 302:8, 305:14, 309:19, 311:22, 313:7, 314:8, 321:18, 332:17, 342:1, 361:1, 362:15, 363:19, 371:21, 374:12, 401:24, 404:2, 404:7, 411:10, 420:22, 421:16, 430:21, 431:11, 447:5, 454:17, 456:14, 472:24, 477:22, 485:3, 486:14, 491:1, 491:3

whichever - 300:24

while - 253:14, 254:18, 260:6, 268:6, 272:15, 291:12, 325:17, 402:1, 440:7

While - 289:11, 407:4, 412:16

white - 326:6, 337:1, 341:20, 385:9

Who - 319:19, 332:21, 338:13, 362:9, 364:16, 388:7, 391:3, 391:19, 392:15, 392:17, 398:4, 402:7, 402:18, 407:7, 410:13, 410:23, 413:13, 413:24, 415:19, 417:25, 418:17, 418:23, 419:6, 419:21, 420:3, 420:8, 420:10, 421:3, 421:14, 423:11, 427:21, 427:23, 428:20, 429:3, 429:6, 429:14, 439:19, 448:19, 451:19, 454:25, 457:18, 460:8, 462:2, 462:13, 464:3, 464:14, 472:9, 475:10, 477:4, 477:19, 478:7, 481:7

who - 253:24, 254:6, 257:23, 260:12, 261:6, 262:16, 263:13, 263:15, 263:21, 265:10, 265:13, 266:1, 268:11, 269:16, 277:18, 277:19, 285:5, 287:2, 288:6, 295:3, 295:4, 298:18, 298:20, 298:23, 300:19, 307:12, 307:15, 311:13, 313:1, 318:17, 321:4, 322:22, 325:13, 326:24, 332:18, 332:24, 334:8, 334:18, 338:10, 340:20, 341:18, 344:16, 350:2, 354:21, 354:22, 355:22, 356:15, 359:11, 360:9, 367:7, 368:20, 369:1, 370:3, 370:4, 370:13, 370:18, 371:14, 371:19, 371:24, 373:6, 373:7, 374:16, 374:25, 376:11, 384:7, 384:23, 385:13, 388:21, 388:24, 392:1, 392:18, 393:2, 396:19,

398:16, 404:3, 406:24, 409:23, 410:16, 410:19, 413:21, 414:15, 414:17, 415:21, 416:16, 417:21, 418:20, 419:19, 422:1, 428:13, 428:17, 431:11, 432:16, 433:1, 438:3, 438:23, 440:17, 443:3, 443:5, 443:6, 443:8, 443:9, 444:6, 445:21, 447:2, 448:11, 449:4, 451:17, 451:19, 451:25, 453:3, 453:9, 454:22, 455:3, 456:16, 457:14, 458:1, 458:7, 458:13, 461:9, 461:22, 462:17, 462:20, 463:13, 463:18, 463:21, 467:8, 467:14, 467:15, 468:6, 469:17, 471:2, 477:7, 482:16, 486:5, 486:12, 486:13

whoever - 300:11, 300:22

whole - 293:23, 393:3, 395:21,

449:20, 474:23

Whose - 391:12, 462:10

whose - 424:5

why - 265:7, 269:14, 299:24, 299:25, 301:2, 302:14, 308:22, 311:9, 321:19, 366:24, 367:17, 371:18, 405:14, 414:25, 415:1, 415:7, 418:15, 430:13, 435:4, 448:3, 456:9, 471:25, 474:24, 476:2, 479:23, 480:1, 480:2, 483:23, 486:13, 486:16, 487:20

Why - 255:22, 259:18, 260:3, 277:14, 277:24, 289:25, 294:19, 295:4, 295:14, 299:9, 305:11, 315:23, 321:7, 322:25, 357:12, 388:20, 390:15, 391:1, 392:5, 393:11, 395:4, 396:11, 397:25, 399:6, 400:22, 405:15, 408:23, 414:3, 417:11, 423:3, 424:8, 434:4, 441:7, 441:11, 444:15, 445:9, 446:7, 448:22, 473:9, 473:13, 475:24, 480:24

wide - 263:23

wife - 390:17, 390:21, 390:23, 391:16, 431:13, 433:10

wild - 437:19

will - 254:14, 256:22, 258:5, 258:6, 258:10, 258:15, 258:24, 259:3, 260:12, 260:17, 261:8, 261:23, 262:6, 262:12, 262:16, 262:18, 262:19, 262:22, 262:23, 263:7, 263:11, 263:17, 263:21, 263:22, 263:23, 264:4, 264:5, 264:8, 265:15, 266:3, 266:7, 266:13, 267:13, 267:14, 267:16, 267:17, 267:21, 268:3, 268:23, 269:7, 269:8, 280:16, 280:23, 287:19, 289:6, 298:13, 300:13, 300:22, 300:23, 303:6, 306:3, 308:4, 308:24, 310:13, 310:20, 311:24, 312:8, 314:11, 319:4, 319:16, 320:9, 320:10, 329:23, 330:8, 334:18, 334:22, 335:16, 357:22, 357:23, 365:8, 365:17, 367:3, 367:25, 368:1, 371:19, 387:5, 405:24, 419:4, 434:19, 436:4, 436:19, 446:9, 448:2, 471:8, 474:15, 479:4, 481:2, 481:17, 482:21, 484:8, 484:16, 484:21, 486:5, 487:10, 488:8, 488:10, 488:25, 489:4, 489:14, 489:18, 490:11, 490:13, 490:14, 491:6, 491:8, 491:13

Will - 256:20

William - 339:2, 342:20

willing - 295:19, 300:3, 300:5,

301:11, 301:13, 491:1

win - 412:18, 435:4

window - 393:14

windows - 399:18, 399:19

wink - 434:12

wiretap - 277:10, 277:12

wiretaps - 273:21

wise - 261:5, 287:18, 404:6, 441:18,

444:20

Wiseguy - 426:25

wiseguy - 438:25, 442:7, 442:8,

443:5, 482:12, 485:2

wiseguys - 439:1

wish - 330:7, 330:12

wishes - 314:23

With - 285:12, 291:6, 325:7, 360:8,

365:23, 371:7, 377:9, 464:5, 479:9,

488:12

with - 255:1, 257:21, 259:21, 260:6, 261:7, 261:20, 261:22, 262:4, 262:20, 263:25, 265:22, 268:10, 269:7, 269:15, 272:19, 273:13, 274:1, 275:10, 275:17, 275:21, 276:25, 277:17, 277:19, 278:17, 278:21, 279:1, 279:3, 279:8, 279:13, 280:4, 280:10, 280:24, 281:25, 282:1, 282:5, 282:11, 282:17, 282:19, 286:5, 287:3, 288:1, 288:8, 288:10, 290:1, 290:5, 291:21, 292:17, 292:24, 294:22, 295:17, 302:1, 302:19, 302:25, 303:11, 303:14, 303:16, 303:17, 303:21, 304:2, 304:6, 304:7, 304:21, 306:23, 307:1, 307:3, 307:7, 307:9, 308:14, 309:8, 310:10, 310:16, 311:9, 312:14, 312:16, 312:21, 313:4, 313:17, 313:19, 313:24, 314:23, 315:20, 316:1, 316:3, 316:7, 316:24, 317:2, 317:25, 318:2, 318:8, 322:11, 323:10, 323:12, 325:6, 325:13, 326:6, 326:14, 332:19, 332:20, 332:23, 332:25, 334:9, 336:5, 338:11, 341:19, 341:21, 342:10, 343:2, 353:2, 353:7, 353:14, 354:22, 355:8, 355:12, 356:22, 356:25, 358:1, 358:11, 359:12, 360:6, 360:8, 361:3, 361:13, 361:17, 362:1, 362:19, 363:3, 363:6, 365:1, 365:18, 366:21, 367:24, 368:23, 368:24, 369:10, 369:15, 369:21, 370:3, 370:4, 370:21, 370:22, 371:4, 371:6, 373:7, 373:13, 375:3, 376:11, 382:4, 383:2, 383:5, 386:7, 386:10, 386:14, 387:21, 388:10, 389:15, 389:25, 390:5, 390:21, 391:19, 393:16, 395:18, 395:19, 395:22, 396:13, 398:7, 399:5, 399:20, 401:24, 402:3, 403:12, 403:25, 404:23, 405:1, 406:19, 407:17, 407:19, 409:24, 411:23, 413:4, 413:8, 416:15, 416:24, 417:2, 417:18, 418:19, 419:15, 422:1, 422:5, 422:6, 422:10, 423:15, 423:17, 424:18, 426:17, 427:21, 427:23, 429:20, 429:22, 430:21, 432:12, 432:14, 432:16, 433:10, 433:11, 434:12, 435:3, 435:4, 437:14, 438:10, 438:15, 438:19, 438:20, 439:2, 439:5, 439:8, 439:21, 444:13, 446:19, 446:21, 446:22, 446:24, 447:3, 447:6, 449:9, 450:12, 450:24, 451:1, 451:9, 451:20, 452:9, 452:21, 453:21, 454:3, 454:7, 454:8, 454:21, 455:13, 456:11, 456:12, 456:17, 456:19, 458:15, 459:1, 459:4, 459:5, 459:8, 459:16, 460:4, 460:12, 460:25, 461:18, 462:14, 464:9, 464:19, 464:25, 466:3, 466:10, 466:21, 467:4, 467:19, 468:2, 468:4, 470:3, 470:18, 471:10, 471:13, 472:11, 472:12, 473:20, 473:25, 474:18, 475:20, 476:10, 477:4, 477:5, 477:11, 477:15, 478:12, 478:17, 478:25, 479:8, 480:11, 480:13, 482:1, 482:24, 486:6, 486:20, 487:6, 487:22, 488:7, 490:4, 490:7, 490:9, 490:19, 490:20, 490:25

withdraw - 254:22, 445:18, 445:20, 445:23**withdrawal** - 254:17, 256:3**withdrew** - 254:18, 255:5, 256:4**within** - 284:16, 286:14, 287:2, 309:13, 313:13, 315:24, 316:12, 320:11, 362:12, 373:21, 393:21, 405:5, 416:4, 438:16, 443:10, 459:21, 479:13, 483:4, 483:18, 484:12, 488:20**Without** - 283:12, 467:14**without** - 297:15, 315:15, 318:15, 318:17, 318:21, 356:12, 373:5, 373:17, 382:25, 385:16, 385:23, 385:24, 401:10, 402:9, 402:22, 433:15, 433:20, 435:15, 440:17, 474:25**Witness** - 269:24, 337:16, 376:11, 387:6, 387:14, 391:7, 391:10, 425:9, 464:8, 468:18, 468:20, 468:24, 469:2,

469:4, 469:8, 471:6, 473:10, 473:12, 485:13, 492:2

witness - 254:19, 254:20, 255:1, 255:12, 255:14, 255:22, 255:23, 262:22, 266:24, 269:18, 280:8, 280:9, 281:4, 322:11, 352:17, 357:22, 358:21, 361:1, 363:8, 363:9, 363:11, 365:10, 365:15, 376:10, 376:15, 387:7, 416:9, 471:17, 485:11, 486:5, 486:11, 489:23, 490:21**witness'** - 357:9, 419:1, 479:2, 490:9, 490:25**witnessed** - 361:22**witnesses** - 254:14, 256:18, 256:20, 257:3, 262:25, 263:4, 263:12, 263:13, 263:15, 266:2, 266:12, 267:3, 267:7, 268:17, 268:24, 269:6, 278:22, 280:3, 280:7, 280:19, 280:23, 281:11, 281:16, 281:20, 281:23, 330:1, 335:17, 354:16, 355:12, 355:22, 356:14, 360:10, 363:18, 365:7, 490:20, 491:3**wives** - 306:23**wolf** - 362:20**wolves** - 362:21**woman's** - 450:2**won** - 406:14**won't** - 275:24, 303:24, 310:14**wondering** - 376:12**word** - 389:5, 393:24**words** - 276:3, 284:7, 355:7, 431:1,

431:7, 432:21, 439:21, 442:7

wore - 437:16**work** - 258:14, 310:12, 365:8, 378:23, 388:22, 388:25, 401:21, 402:12, 402:20, 403:12, 411:12, 414:7, 414:16, 414:17, 414:21, 415:2, 415:10, 416:19, 423:21, 439:9, 439:10, 444:11, 466:11, 475:20, 479:17, 485:1, 491:13**worked** - 253:24, 254:5, 258:13, 354:2, 401:25, 402:1, 402:13, 402:14, 402:25, 408:8**worker** - 484:13, 484:14, 487:18**working** - 365:17, 409:7, 413:21, 413:22**works** - 443:20**world** - 262:15, 290:18, 290:22, 315:24, 317:24, 320:11, 406:22, 407:13, 441:13**World** - 259:17, 463:7**worlds** - 368:12, 373:22**worse** - 384:16**worst** - 309:19**Would** - 304:13, 307:12, 308:15, 310:6, 386:16, 402:22, 450:6, 469:24, 481:19**would** - 253:17, 254:5, 254:10, 254:13, 254:21, 254:23, 257:19, 262:10, 268:17, 274:18, 276:1, 276:18, 286:6, 294:10, 295:14, 300:2, 302:6, 302:7, 302:12, 303:14, 304:21, 311:2, 312:5, 312:9, 312:24, 313:23, 315:12, 320:23, 322:1, 324:9, 330:20, 338:13, 344:21, 345:4, 353:4, 354:12, 355:9, 355:14, 355:17, 355:24, 360:4, 366:23, 371:18, 371:23, 371:24, 372:13, 373:3, 373:13, 373:14, 374:1, 374:6, 374:10, 374:11, 375:4, 375:5, 375:8, 375:25, 377:16, 377:19, 377:20, 378:19, 378:20, 378:21, 379:7, 380:16, 380:17, 382:9, 383:7, 383:20, 384:11, 384:23, 385:4, 385:5, 385:7, 385:25, 386:6, 393:12, 394:4, 394:14, 394:25, 395:7, 395:25, 396:2, 396:3, 397:4, 397:9, 399:2, 399:15, 399:17, 399:18, 399:20, 403:2, 403:3, 403:9, 404:16, 405:14, 405:15, 406:14, 406:15, 407:17, 407:18, 408:12, 409:7, 409:10, 409:12, 409:17, 409:21, 409:23, 410:17, 410:19, 411:3, 411:7, 411:11, 411:12, 411:13, 411:24, 412:21, 412:22,

417:14, 417:16, 420:23, 422:9, 424:3, 424:24, 425:23, 426:6, 426:10, 426:11, 426:12, 434:3, 436:23, 436:25, 444:6, 444:15, 444:23, 445:25, 446:5, 447:9, 447:12, 448:6, 449:12, 449:13, 452:5, 453:13, 453:23, 454:16, 454:18, 456:2, 456:22, 460:10, 460:17, 463:9, 464:11, 467:18, 470:3, 470:7, 473:14, 473:18, 476:19, 477:1, 477:21, 477:22, 477:24, 478:2, 478:3, 481:5, 481:23, 485:4, 486:23, 489:10, 490:18, 491:3

wouldn't - 312:4, 384:23, 417:2, 453:15**wound** - 402:8**write** - 360:14, 360:19, 360:25**written** - 360:22, 487:5**wrong** - 482:10**X****X** - 252:2, 252:7**Y****Y** - 420:10**Yaotti** - 327:8**yard** - 395:24, 477:15**yeah** - 404:11, 405:7, 415:1, 416:5, 431:21, 432:1, 437:21, 467:1**Yeah** - 399:16, 402:13, 408:11, 418:9, 418:16, 474:11, 478:2, 479:1**year** - 298:21, 298:25, 299:3, 408:12, 468:24**Year's** - 448:17**Years** - 423:20**years** - 254:20, 259:14, 264:1, 264:6, 264:20, 264:25, 265:8, 270:8, 271:7, 282:23, 290:10, 290:21, 297:13, 299:1, 299:18, 301:7, 301:21, 316:2, 320:4, 340:13, 344:15, 353:8, 353:14, 366:5, 367:22, 370:11, 371:3, 377:11, 377:15, 379:11, 379:16, 380:3, 380:8, 390:22, 408:3, 414:9, 434:6, 460:16, 468:23, 468:24, 474:8, 475:12, 485:18, 488:7, 488:13**yell** - 408:20, 478:3**yelled** - 408:18**yes** - 275:11, 295:20, 300:5, 321:14, 325:4, 326:11, 332:23, 340:13, 353:11, 353:21, 354:17, 354:20, 354:24, 354:25, 355:23, 356:7, 356:9, 356:24, 358:18, 359:15, 359:17, 363:10, 366:4, 366:12, 368:4, 368:6, 368:13, 368:16, 372:6, 373:1, 378:6, 379:23, 380:4, 380:9, 381:20, 382:25, 408:1, 414:2, 418:12, 430:14, 430:15, 430:20, 443:25, 452:10, 463:16, 464:21, 466:4, 474:11**Yes** - 253:11, 253:16, 253:19, 256:22, 264:12, 271:2, 271:10, 272:16, 272:21, 273:4, 273:9, 273:14, 273:19, 273:23, 274:4, 274:15, 274:17, 275:3, 276:8, 278:11, 278:19, 279:14, 279:17, 281:12, 281:21, 282:2, 282:4, 282:7, 282:10, 282:13, 282:16, 282:18, 282:22, 283:6, 283:19, 283:22, 283:24, 284:5, 284:13, 285:2, 285:9, 285:14, 285:19, 285:23, 286:3, 289:3, 289:22, 291:6, 291:15, 291:23, 292:4, 292:21, 294:3, 294:15, 295:11, 295:13, 295:23, 295:25, 297:4, 297:16, 297:24, 298:4, 298:22, 299:6, 299:17, 300:21, 301:3, 301:17, 301:19, 302:2, 302:12, 302:24, 303:1, 303:4, 304:9, 304:15, 305:2, 305:10, 306:1, 306:9, 307:5, 307:14, 308:1, 308:5, 308:16, 308:19, 308:21, 309:3, 309:17, 310:8, 310:18, 310:21, 310:25, 311:1, 311:14, 311:17, 312:15, 312:20, 313:2, 313:5, 314:5, 314:7, 314:13, 315:4, 315:6, 315:11, 315:16,

315:22, 316:4, 316:8, 316:16, 316:18,
317:3, 317:10, 317:17, 318:11, 318:21,
318:22, 318:23, 319:1, 320:1, 320:17,
321:1, 322:9, 323:5, 323:9, 323:11,
323:14, 323:17, 323:21, 323:24,
324:22, 325:2, 325:10, 325:15, 325:19,
325:21, 325:23, 326:2, 326:4, 326:6,
326:8, 326:11, 326:13, 326:16, 327:1,
333:10, 333:12, 333:17, 333:22, 334:2,
334:5, 334:7, 334:10, 337:2, 337:9,
337:18, 338:17, 338:24, 339:8, 339:17,
340:6, 340:22, 341:22, 342:12, 343:3,
343:14, 344:9, 344:14, 344:17, 344:20,
344:23, 345:11, 345:13, 346:2, 346:13,
350:4, 350:9, 351:4, 353:6, 353:9,
353:13, 355:11, 355:16, 357:4, 358:7,
358:9, 358:22, 362:8, 363:4, 363:6,
363:21, 364:2, 364:10, 364:12, 364:14,
366:10, 367:15, 367:19, 368:18,
369:25, 370:5, 372:22, 373:20, 373:24,
375:9, 375:24, 376:6, 378:11, 378:13,
379:1, 379:3, 379:12, 380:1, 381:4,
381:17, 381:22, 383:12, 383:17,
383:22, 384:2, 385:6, 385:12, 386:15,
386:17, 386:19, 386:21, 386:23,
387:17, 387:22, 388:3, 388:6, 388:10,
388:12, 388:17, 389:3, 389:5, 389:8,
389:17, 390:2, 390:12, 390:22, 391:9,
393:20, 393:23, 394:2, 394:7, 394:16,
394:23, 396:8, 396:10, 396:22, 397:4,
397:10, 397:16, 399:5, 400:2, 400:7,
400:13, 400:21, 401:7, 401:16, 401:22,
402:21, 403:13, 403:17, 403:20, 406:3,
406:21, 407:12, 408:8, 408:22, 409:15,
410:5, 410:12, 411:16, 411:19, 411:22,
414:11, 415:11, 416:13, 417:4, 418:12,
419:20, 420:22, 421:10, 421:13,
421:21, 422:17, 423:9, 424:7, 424:15,
424:16, 425:22, 425:25, 426:8, 427:4,
427:13, 428:14, 428:19, 431:17, 432:9,
434:2, 435:13, 435:25, 436:19, 436:22,
437:7, 438:1, 438:17, 441:10, 443:14,
443:18, 444:3, 444:10, 446:3, 447:8,
447:24, 448:12, 448:14, 449:2, 449:12,
449:24, 450:7, 450:13, 450:23, 450:25,
451:8, 451:13, 452:19, 453:20, 453:22,
454:4, 454:10, 454:24, 455:10, 455:20,
456:6, 456:10, 457:11, 458:25, 459:10,
459:17, 459:24, 460:2, 460:5, 460:13,
460:24, 461:2, 461:8, 461:11, 461:13,
463:17, 463:24, 464:13, 464:18, 465:9,
467:5, 467:10, 467:20, 467:23, 468:7,
468:12, 469:23, 469:25, 470:10,
470:14, 470:22, 471:19, 472:8, 472:13,
472:17, 473:2, 474:16, 474:19, 474:22,
475:4, 475:13, 475:15, 475:23, 476:5,
477:18, 479:10, 480:17, 480:23,
482:18, 483:5, 483:19, 484:13, 485:1,
485:5, 486:25, 490:14

yet - 365:20

York - 252:1, 252:5, 252:16, 252:18,
252:20, 252:22, 260:10, 270:11,
270:12, 270:14, 270:23, 271:11, 272:7,
284:17, 284:20, 285:12, 287:3, 290:6,
291:4, 291:9, 371:4, 379:4, 381:11,
382:12, 382:19, 393:4, 397:6, 454:6

York-based - 284:20

You - 255:2, 257:24, 258:24, 260:17,
262:6, 262:16, 262:19, 266:13, 266:16,
267:18, 270:1, 274:23, 274:24, 277:14,
280:2, 280:3, 280:4, 281:1, 281:20,
284:22, 284:25, 285:7, 286:3, 286:10,
288:15, 288:23, 290:2, 290:4, 294:13,
294:19, 295:3, 296:2, 298:24, 299:1,
301:1, 301:10, 301:20, 302:12, 303:11,
303:20, 303:25, 304:1, 304:16, 304:24,
305:23, 306:7, 306:13, 307:2, 307:8,
308:4, 308:24, 311:24, 312:2, 312:13,
315:1, 315:8, 315:14, 317:12, 318:3,
319:10, 319:18, 319:24, 320:15,

320:21, 321:6, 321:9, 326:25, 330:8,
336:6, 344:3, 345:5, 345:10, 345:12,
350:2, 352:10, 352:11, 353:4, 353:10,
353:25, 354:8, 354:10, 354:13, 360:17,
361:5, 361:15, 368:8, 368:17, 368:19,
370:1, 370:7, 381:18, 382:9, 383:4,
383:7, 383:11, 384:11, 384:14, 384:23,
385:7, 385:21, 386:13, 386:24, 387:2,
387:3, 388:2, 394:18, 396:6, 398:4,
398:13, 402:14, 402:25, 405:17,
405:20, 406:10, 406:16, 407:22,
409:19, 412:2, 412:14, 412:24, 413:2,
413:4, 414:17, 415:5, 416:3, 420:14,
420:23, 424:9, 424:20, 429:11, 430:17,
431:5, 431:22, 432:7, 433:10, 433:17,
433:25, 434:2, 434:21, 435:14, 436:22,
437:2, 439:8, 440:15, 440:17, 441:2,
441:12, 441:23, 445:2, 445:5, 446:11,
446:20, 448:22, 450:11, 453:7, 455:15,
456:2, 459:13, 460:20, 462:9, 463:15,
463:22, 464:12, 464:16, 465:2, 465:8,
466:13, 466:21, 469:11, 471:22, 473:3,
473:5, 473:7, 475:14, 476:3, 479:5,
480:11, 480:20, 484:6, 484:23, 491:5,
491:6

you - 253:9, 255:4, 255:22, 256:10,
256:22, 257:8, 257:10, 257:12, 257:13,
257:18, 257:22, 258:1, 258:2, 258:3,
259:3, 262:15, 262:23, 263:11, 263:17,
263:22, 263:23, 264:1, 264:4, 264:10,
264:12, 264:15, 264:19, 265:6, 265:9,
266:7, 266:8, 266:11, 266:23, 267:9,
267:12, 267:13, 267:16, 267:17,
267:19, 267:21, 267:24, 268:1, 268:3,
268:19, 268:21, 268:23, 269:4, 269:5,
269:7, 269:8, 269:9, 269:11, 269:17,
270:6, 271:1, 271:6, 271:8, 271:23,
272:4, 272:6, 272:11, 272:15, 272:19,
272:20, 272:24, 273:2, 273:7, 273:12,
273:17, 273:20, 273:24, 274:2, 274:16,
274:18, 275:4, 275:12, 276:1, 276:2,
276:6, 276:16, 276:23, 277:9, 277:12,
277:20, 277:21, 278:7, 278:10, 278:13,
278:15, 278:18, 279:15, 279:20,
279:22, 279:23, 280:1, 280:5, 280:6,
280:7, 281:1, 281:3, 281:11, 281:15,
281:16, 281:19, 281:20, 281:25, 282:5,
282:8, 282:11, 282:14, 282:17, 282:19,
282:24, 283:4, 283:9, 283:12, 283:15,
283:17, 283:20, 283:23, 285:21,
285:22, 286:6, 286:18, 287:4, 287:8,
288:6, 289:7, 289:16, 290:24, 290:25,
291:12, 292:9, 292:11, 292:12, 292:14,
292:15, 292:16, 293:4, 293:6, 293:7,
295:18, 296:4, 296:7, 296:15, 297:2,
297:10, 297:11, 297:22, 297:25, 298:3,
298:17, 298:25, 299:15, 299:17,
299:24, 300:5, 301:2, 301:5, 301:11,
301:13, 301:14, 301:15, 302:4, 302:22,
302:25, 303:2, 303:5, 303:12, 303:15,
303:17, 303:23, 304:5, 304:10, 304:19,
304:22, 304:24, 305:12, 305:13,
305:18, 305:19, 305:24, 306:4, 306:8,
306:9, 306:10, 306:11, 306:14, 306:17,
306:20, 307:3, 307:9, 308:12, 308:14,
309:4, 309:14, 309:19, 309:21, 309:25,
311:5, 311:10, 311:25, 312:13, 312:19,
313:6, 313:7, 313:9, 313:11, 313:12,
313:14, 313:21, 313:23, 314:8, 314:18,
314:19, 315:2, 315:5, 315:7, 315:20,
316:1, 316:3, 316:7, 316:17, 317:2,
317:15, 318:6, 318:10, 318:16, 318:18,
319:25, 320:15, 320:18, 320:22,
320:23, 321:6, 321:7, 321:13, 321:23,
322:1, 322:13, 322:18, 322:20, 322:21,
322:22, 323:4, 323:8, 323:10, 323:12,
323:15, 323:20, 323:22, 323:25, 324:3,
324:6, 324:9, 324:12, 324:14, 324:16,
324:17, 324:21, 324:25, 325:3, 325:5,
325:8, 325:11, 325:14, 325:17, 325:20,

325:24, 326:1, 326:3, 326:5, 326:14,
326:23, 327:12, 328:6, 329:6, 329:20,
329:21, 329:24, 329:25, 330:1, 330:3,
330:4, 330:6, 330:7, 330:8, 330:9,
330:11, 330:12, 331:6, 332:16, 332:24,
333:3, 333:7, 333:8, 333:11, 333:16,
333:18, 333:20, 333:23, 334:1, 334:8,
334:18, 334:19, 334:23, 338:16, 339:6,
340:4, 340:7, 340:11, 341:18, 342:2,
344:3, 344:5, 344:7, 344:13, 344:15,
344:25, 345:7, 345:8, 345:9, 345:20,
346:15, 350:7, 352:11, 352:19, 352:24,
353:1, 353:4, 353:10, 353:14, 354:4,
354:15, 354:18, 354:22, 356:2, 356:3,
356:10, 356:25, 357:1, 357:5, 357:12,
357:24, 357:25, 358:3, 358:4, 359:9,
360:8, 360:13, 360:14, 360:25, 361:1,
361:12, 361:16, 361:19, 361:25, 362:3,
362:7, 362:15, 362:19, 362:21, 362:23,
363:2, 363:7, 363:11, 364:23, 365:9,
365:12, 365:20, 365:23, 366:23, 367:7,
370:2, 370:4, 371:8, 371:9, 371:12,
372:12, 372:19, 372:20, 373:2, 374:19,
375:10, 375:22, 375:24, 375:25,
376:23, 377:6, 377:11, 377:15, 377:16,
377:23, 378:1, 378:7, 378:9, 378:22,
378:23, 379:17, 379:21, 381:9, 381:18,
382:1, 382:2, 382:4, 382:18, 383:2,
383:3, 383:5, 383:7, 384:12, 384:13,
384:14, 384:15, 384:18, 384:19,
384:20, 384:21, 384:25, 385:1, 385:2,
385:3, 385:4, 385:5, 385:7, 385:9,
385:15, 385:17, 385:18, 385:20,
385:23, 385:24, 386:1, 386:6, 386:9,
386:11, 387:5, 387:20, 387:25, 388:4,
388:7, 388:9, 389:2, 389:7, 389:15,
389:20, 390:1, 390:5, 390:7, 390:9,
390:11, 390:19, 390:21, 390:23, 391:3,
391:5, 391:10, 391:12, 391:17, 391:19,
392:1, 392:3, 392:8, 392:12, 394:8,
394:11, 394:12, 394:19, 394:21,
394:24, 395:11, 395:15, 395:17,
395:19, 395:22, 395:23, 396:19, 397:9,
397:21, 398:10, 398:11, 398:15, 399:2,
399:4, 399:11, 399:14, 399:15, 399:21,
399:23, 400:1, 400:6, 400:10, 400:14,
400:16, 401:2, 401:10, 401:11, 401:15,
401:19, 401:21, 401:23, 402:5, 402:9,
402:12, 402:14, 402:16, 402:20,
402:22, 402:25, 403:7, 403:12, 403:14,
403:18, 404:9, 404:12, 404:14, 404:25,
405:3, 405:5, 405:10, 405:12, 405:14,
405:15, 405:16, 405:20, 406:1, 406:2,
406:16, 406:19, 406:24, 406:25, 407:1,
407:2, 407:3, 407:4, 407:19, 407:20,
407:22, 407:23, 407:24, 408:2, 408:3,
408:6, 408:10, 408:13, 408:15, 408:19,
409:1, 409:6, 409:12, 409:17, 409:19,
409:23, 409:24, 410:3, 410:6, 410:11,
410:13, 410:22, 410:25, 411:5, 411:7,
412:6, 412:16, 412:17, 412:24, 412:25,
413:4, 413:15, 413:17, 413:19, 413:21,
413:22, 413:24, 414:1, 414:9, 414:12,
414:17, 414:21, 414:25, 415:7, 415:10,
415:12, 415:21, 416:9, 416:11, 417:5,
417:9, 417:11, 417:13, 417:14, 417:16,
417:18, 417:25, 418:5, 418:10, 418:15,
419:2, 419:6, 419:13, 419:19, 420:2,
420:8, 420:10, 421:8, 421:19, 422:25,
423:18, 423:21, 423:22, 424:5, 424:9,
424:10, 424:22, 425:7, 425:8, 425:15,
425:20, 426:1, 426:3, 426:6, 427:2,
427:3, 427:5, 427:14, 427:17, 427:21,
427:23, 428:11, 428:12, 428:13,
428:17, 428:20, 429:2, 429:5, 429:13,
429:18, 429:20, 429:22, 430:4, 430:13,
430:14, 430:15, 430:16, 430:17,
430:19, 430:21, 431:7, 431:10, 431:11,
431:16, 431:19, 431:22, 431:24, 432:2,
432:4, 432:10, 432:11, 432:13, 432:14,

432:16, 432:18, 433:1, 433:8, 433:9,
433:11, 433:14, 433:15, 433:16,
433:17, 433:19, 433:20, 433:23, 434:3,
434:8, 434:13, 434:14, 434:19, 434:24,
434:25, 435:1, 435:2, 435:3, 435:6,
435:7, 435:8, 435:21, 435:23, 435:24,
436:1, 436:5, 436:6, 436:14, 436:18,
436:19, 436:23, 437:3, 437:6, 437:13,
439:11, 439:12, 440:3, 440:10, 440:12,
440:21, 440:25, 441:5, 441:7, 441:20,
442:10, 443:18, 443:19, 443:21,
444:12, 444:13, 444:19, 444:23,
445:10, 445:11, 445:21, 445:22,
445:23, 446:4, 446:14, 446:17, 446:19,
446:20, 446:25, 447:3, 447:6, 447:9,
447:13, 447:15, 447:16, 447:20,
447:22, 447:24, 448:1, 448:3, 448:10,
448:22, 448:25, 449:15, 449:17,
449:22, 450:12, 450:14, 450:18,
450:22, 450:24, 451:1, 451:5, 451:16,
451:17, 451:24, 451:25, 452:5, 452:9,
452:11, 452:15, 452:19, 452:22,
452:24, 453:1, 453:17, 453:21, 454:2,
454:8, 454:9, 454:22, 454:25, 455:2,
456:9, 456:14, 456:16, 456:17, 456:19,
457:3, 457:18, 457:25, 458:6, 458:12,
458:16, 458:22, 458:24, 459:5, 459:8,
459:16, 459:18, 460:3, 460:6, 460:12,
460:14, 460:17, 460:21, 460:25, 461:6,
461:12, 461:14, 461:19, 461:22, 462:2,
462:4, 462:16, 462:19, 463:2, 463:4,
463:6, 463:8, 463:11, 463:13, 463:18,
463:25, 464:7, 464:9, 464:19, 465:3,
466:4, 466:6, 466:16, 466:21, 467:2,
467:4, 467:6, 467:8, 467:14, 467:18,
467:24, 467:25, 468:2, 468:8, 468:13,
468:22, 469:6, 469:11, 469:14, 469:17,
470:1, 470:7, 470:12, 470:15, 470:20,
470:25, 471:2, 471:7, 471:8, 471:9,
472:3, 472:6, 472:11, 472:15, 472:19,
472:21, 473:1, 473:11, 473:13, 473:20,
473:24, 474:10, 474:12, 474:13,
474:17, 474:18, 474:20, 475:5, 475:10,
475:12, 475:16, 475:21, 475:24, 476:3,
476:4, 476:14, 476:17, 476:19, 476:24,
477:1, 477:4, 477:9, 477:14, 477:17,
477:21, 477:24, 478:1, 478:6, 478:12,
478:17, 478:19, 478:24, 479:5, 479:20,
479:23, 479:25, 480:2, 480:7, 480:11,
480:20, 480:21, 480:24, 481:13, 482:3,
482:4, 482:5, 482:9, 482:11, 482:14,
482:16, 482:19, 482:24, 483:1, 483:12,
483:14, 483:15, 484:7, 484:11, 484:14,
485:1, 485:3, 485:15, 486:2, 487:1,
487:3, 487:10, 487:17, 488:24, 489:1,
489:5, 489:9, 489:14, 489:17, 490:3,
490:5, 490:6, 490:7, 490:12, 490:14,
491:12, 491:13

You'd - 442:10

you'd - 286:11, 486:25

you'll - 265:12, 267:4, 275:25, 277:11,
287:17, 302:9, 330:1

You'll - 263:12, 263:14, 263:21,
263:24, 277:10, 284:7, 288:17, 288:18,
289:7

you're - 257:23, 262:5, 267:10,
274:17, 275:20, 276:23, 278:9, 292:7,
292:8, 299:24, 301:2, 301:14, 303:8,
303:13, 303:16, 303:22, 304:3, 304:19,
304:20, 306:5, 306:7, 306:16, 306:18,
306:25, 307:9, 309:14, 309:20, 309:24,
310:1, 313:10, 313:22, 318:1, 318:2,
318:7, 318:8, 318:16, 356:16, 360:2,
369:5, 369:6, 370:9, 371:9, 371:23,
375:18, 384:19, 401:9, 404:9, 404:13,
405:17, 406:25, 407:1, 407:3, 407:15,
408:24, 414:25, 430:13, 431:6, 431:10,
433:11, 433:12, 433:25, 435:4, 444:11,
471:14, 474:3, 480:5, 482:8, 482:10,
485:17

You're - 304:3, 309:6, 309:8, 321:22,
356:22, 359:14, 369:19, 374:15,
375:18, 443:4, 444:11, 482:11, 482:12
you've - 271:9, 275:5, 310:2, 317:14,
340:3, 353:7, 353:8, 362:3, 363:19,
366:6, 366:13, 424:11

young - 293:2, 293:11, 314:2, 353:16
younger - 265:17, 268:14

Your - 334:11, 366:17, 394:17,
482:13, 489:10, 489:21

your - 253:10, 255:25, 256:15,
256:20, 257:13, 267:14, 267:17, 269:2,
269:4, 269:18, 269:23, 270:9, 270:19,
272:17, 273:2, 278:12, 278:18, 279:24,
281:16, 282:5, 282:11, 282:23, 285:19,
286:2, 289:16, 292:8, 292:15, 293:5,
295:18, 296:3, 296:16, 302:21, 303:13,
303:16, 303:21, 303:22, 303:23, 304:3,
304:13, 305:23, 305:24, 306:1, 306:3,
306:4, 306:5, 306:11, 306:14, 306:16,
306:21, 307:23, 309:8, 309:23, 313:10,
318:5, 318:17, 318:18, 318:19, 323:12,
330:9, 337:14, 339:7, 339:9, 344:8,
344:15, 352:19, 353:4, 353:17, 353:22,
354:6, 354:18, 355:7, 355:12, 358:3,
360:13, 361:14, 361:24, 362:20,
364:25, 365:1, 365:8, 366:5, 367:3,
367:24, 371:3, 372:19, 375:18, 375:19,
375:22, 376:23, 382:1, 384:19, 386:3,
386:9, 386:11, 387:4, 387:13, 387:16,
387:20, 390:13, 390:15, 390:17,
390:21, 390:23, 391:7, 391:22, 391:24,
392:10, 392:12, 392:17, 392:23, 393:5,
393:8, 393:16, 394:5, 394:19, 395:2,
395:4, 395:8, 396:9, 396:20, 397:3,
397:8, 397:9, 399:2, 399:4, 401:21,
402:3, 402:9, 403:1, 403:12, 403:16,
404:15, 405:3, 407:2, 407:3, 410:11,
410:25, 411:3, 411:15, 411:17, 411:21,
413:8, 421:11, 421:16, 423:7, 423:13,
423:22, 424:3, 424:5, 424:6, 424:17,
425:19, 426:23, 427:3, 428:11, 431:4,
431:5, 431:6, 431:8, 431:11, 431:12,
431:13, 432:12, 432:13, 432:14,
433:19, 433:24, 433:25, 434:22,
436:16, 437:3, 439:15, 439:23, 440:7,
445:10, 445:25, 446:4, 446:17, 446:24,
451:2, 451:5, 451:9, 451:11, 451:14,
453:18, 464:22, 465:4, 466:7, 468:17,
470:3, 472:1, 473:16, 473:24, 474:20,
481:22, 482:11, 483:11, 483:23, 484:3,
484:18, 484:24, 485:11, 489:9

yours - 269:3

yourself - 315:8, 323:20, 330:5,
354:13, 369:6, 405:20

yourselves - 265:7

youth - 268:11, 268:12

Z

Zac - 396:1, 396:6, 396:23, 398:5,
398:12, 398:15, 399:24, 403:25,
404:17, 405:2, 406:19, 407:8, 407:24,
408:3, 409:8, 410:14, 414:14, 416:13,
417:13, 417:18, 417:21, 421:9, 421:15,
425:23, 447:3, 475:11

Zac's - 425:18

Zaccaria - 349:10, 398:4, 399:12

zero - 482:14

Zuccaro - 328:4, 331:5, 331:10,
331:13, 338:1, 338:14, 340:18, 346:16,
346:18, 349:6, 363:2, 363:7, 363:24